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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.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 53

[NRC–2025–1503]

RIN 3150–AL60

NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to facilitate direct leveraging of prior U.S. Department of Energy or Department of War authorizations of demonstration reactors into the NRC's licensing reviews of commercial reactor facility applications that reference those designs. This rulemaking improves NRC licensing review efficiency, where applicable, by explicitly establishing by regulation an additional means for reactor applicants to demonstrate the safety functions of their reactor designs, thereby contributing to the safe and secure use and deployment of civilian nuclear energy technologies.

DATES: This final rule is effective on November 25, 2026.

ADDRESSES: Please refer to Docket ID NRC–2025–1503 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:* Electronically at <https://www.regulations.gov>. Search for Docket ID NRC–2025–1503. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

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FOR FURTHER INFORMATION CONTACT:

Aaron Kwok, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1371, email: Aaron.Kwok@nrc.gov and Jackie Harvey, Office of Advanced Reactors, telephone: 301–415–7534, email: Jacquelyn.Harvey@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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I. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed Executive Order (E.O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission." Section 5, "Reforming and Modernizing the NRC's Regulations," directed the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking addresses section 5(d), which contemplates an expedited pathway to approve reactor designs that the U.S. Department of Energy (DOE) or the Department of War (DOW) have tested and that have demonstrated the ability to function safely.¹ E.O. 14300 further states that NRC review of such designs should focus solely on risks that may arise from new applications permitted by NRC licensure, rather than revisiting risks that have already been addressed in the DOE or DOW processes.

II. Discussion

Consistent with its authority and historical practice under section 161 of the Atomic Energy Act of 1954 (AEA) to make, promulgate, issue, rescind, and amend rules and regulations as well as that under section 182 of the AEA to determine the information that enables the Commission to make the findings required to grant an application for a utilization facility, the NRC is amending title 10 of the *Code of Federal Regulations* (10 CFR) section 50.43, "Additional standards and provisions affecting class 103 licenses and certifications for commercial power," and section 53.440, "Design requirements." These changes explicitly establish a pathway for streamlined reviews for licensing commercial reactor designs that have previously received

¹ Consistent with E.O. 14347, "Restoring the United States Department of War," this **Federal Register** notice refers to the "Department of War" and "Department of Defense" interchangeably. Per section 2(d) of E.O. 14347, the regulatory text for this limited scope rulemaking continues to use the title, "Department of Defense," to avoid creating inconsistencies with or causing confusion in the NRC's existing regulations in title 10 of the *Code of Federal Regulations*.

DOE or DOW authorization and that have been tested and have demonstrated the ability to function safely. The amendment to § 50.43 explicitly establishes such a pathway for the licensing frameworks under 10 CFR part 50, “Domestic Licensing of Production and Utilization Facilities,” and part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” and the amendment to § 53.440 does so for the 10 CFR part 53, “Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants,” licensing framework. A similar provision is included in a separate proposed rule, “Licensing Requirements for Microreactors and Other Reactors With Comparable Risk Profiles,” which, if finalized, would apply to the associated proposed 10 CFR part 57, “Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles,” licensing framework (91 FR 23628; May 1, 2026). The primary intent of this rulemaking is to improve NRC licensing review efficiency, and in turn increase capacity, for conducting licensing reviews. At the same time, this rulemaking maintains flexibility for the NRC to leverage a broad range of technologies, testing methods, and information from previously authorized and evaluated designs, as appropriate and supported by an applicant in its commercial license application. In turn, this contributes to the safe and secure use and deployment of civilian nuclear energy technologies.

Section 50.43(e) provides two options for license applicants to demonstrate how newer reactor designs, including those that use simplified, inherent, passive, or other innovative means, accomplish their safety functions. The final rule adds the option, to be codified in § 50.43(f), for an applicant to reference information from a prior DOE or DOW authorization as a means for an NRC license applicant to show that the design can accomplish its safety functions, as required by § 50.43(e).

The amendment to § 50.43 explicitly reflects the option for NRC Class 103 license applicants to directly reference a prior DOE or DOW authorization when demonstrating compliance with NRC regulatory requirements. Applicants using this option are required to identify how aspects of the prior authorization satisfy NRC regulations, including § 50.43(e). Applicants are also required to address how any changes to the design, its functionality, associated hazards, siting information, or underlying safety assumptions from those considered in prior authorization

reviews meet applicable NRC requirements.

Under the part 53 licensing framework, § 53.440 provides a series of design requirements. The requirements in § 53.440(a)(1) reflect an essential element of ensuring a proposed design can comply with the performance criteria in part 53, namely that the abilities of design features to fulfill their safety functions are demonstrated by a combination of analyses, test programs, prototype testing, and operating experience. This requirement closely aligns with the language in § 50.43(e) and reflects the same foundational requirement.

The amendment to § 53.440(a)(1) explicitly accommodates the option for NRC Class 103 license applicants to directly reference a prior DOE or DOW authorization for the purpose of demonstrating that the design features required by § 53.400, “Design features for licensing-basis events” meet the defined functional design criteria required by §§ 53.410, “Functional design criteria for design-basis accidents,” and 53.420, “Functional design criteria for licensing-basis events other than design-basis accidents.” Such a demonstration is required to consider interdependent effects throughout the commercial nuclear plant and the range of conditions under which the design features required by § 53.400 must function throughout the plant’s lifetime. Applicants using this option are required to identify how aspects of the prior authorization satisfy applicable NRC regulations.

The new §§ 50.43(f) and 53.440(a)(1) pathways will be supported by the draft Interim Staff Guidance (ISG), DANU-ISG-2026-XX, “NRC Application Pathway for Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War.” The guidance is not part of this rulemaking but was published for public comment on April 17, 2026 (91 FR 20717). The scope of such guidance is intended to facilitate staff review of future commercial nuclear plant license applications, including advanced reactor designs that may not employ light-water technology.

The NRC also recognizes significant public interest in this rule and has provided a separate public comment response document as discussed in Section IV of this document, “Public Comment Analysis.” While that document provides comprehensive responses to comments, several points are highlighted below.

Some comments expressed concern that this rulemaking would impact the NRC’s performance of independent

evaluations of license applications mandated under the AEA. Specifically, section 103 of the AEA and title II of the Energy Reorganization Act of 1974 (88 Stat. 1242) authorize the NRC to, among other things, issue licenses for commercial nuclear power plants if in the opinion of the Commission, issuance of the license would not be inimical to the common defense and security or to the health and safety of the public. First and foremost, this rulemaking does not affect the NRC’s commitment to conducting independent reviews, nor does this rulemaking alter any underlying regulatory requirements an applicant must meet. Nothing in this rule delegates to DOE, DOW, or any other agency the NRC’s functions to evaluate a request for NRC approval, and nothing in this rule allows the NRC to forego an independent review. Regardless of whether an applicant references a prior DOE or DOW authorization, it remains the applicant’s responsibility to demonstrate compliance with all applicable requirements, under the AEA and NRC regulations, and the NRC will continue to conduct the independent assessments necessary to confirm whether such requirements have indeed been satisfied. Where an NRC applicant references information from a prior design authorized and tested by DOE or DOW, the applicant is responsible for justifying the applicability and relevance of the information it seeks to rely upon, and where it does so, the NRC may be able to tailor the focus and depth of its review.

Under this approach, the NRC notes that the extent to which prior DOE or DOW information can be leveraged depends on the information an applicant provides and the associated justification as to how it meets NRC requirements. For example, the scope of a DOE or DOW authorization or associated testing may not fully represent a commercial reactor configuration or the breadth of analyses necessary for an NRC licensing basis. The final rule is intentionally structured to reflect that not all prior DOE or DOW authorizations may meet the full scope of requirements specified in § 50.43 and, in recognition of this, to nevertheless make clear that the NRC retains the flexibility to leverage information from such authorizations to the maximum extent practical.

In addition, some comments highlighted that it would be beneficial for the NRC to provide additional clarity as to the type of information an NRC application might include in a discussion of how a prior DOE or DOW authorization supports the application.

In light of these comments, the NRC is clarifying that, when demonstrating compliance with applicable regulations, an NRC applicant may, for example, consider including a discussion of the following: (A) the scope of the prior authorization, including the testing, analyses, and operational experience on which it relied, as applicable; (B) the safety functions and design features addressed by such authorization; and (C) any differences from the prior authorization in design, operational, or siting factors relevant to the application that are material to the Commission's licensing review.

Finally, several commenters expressed concerns that the proposed § 50.43(e)(3) would establish a lower safety standard than that required by § 50.43(e)(1)–(2) and § 53.440(a)(1). As explained in the public comment response document, the NRC has revised the language originally proposed to be codified in § 50.43(e)(3) and has added it as a new subsection § 50.43(f) to clarify and to reaffirm that this rulemaking does not alter the safety standard established in § 50.43(e) and to enhance consistency with the approach taken in the rule revision to § 53.440(a)(1). As such, the final rule language makes clear that § 50.43(f) is one option that a commercial license applicant may use to satisfy the requirements, or a subset of the requirements, contained in section(e). As previously noted, applicants must still meet all applicable NRC and statutory requirements. Although § 50.43(f) provides a pathway for reactor technologies to demonstrate the ability to accomplish safety functions under § 50.43(e), if an authorization does not supply all necessary information, the final rule language in § 50.43(f) reflects that applicants must address any remaining gaps to ensure full compliance with NRC requirements.

III. Opportunities for Public Participation

The proposed rule was published in the **Federal Register** on April 2, 2026 (91 FR 16584) for a 30-day comment period ending May 4, 2026. The NRC held a public meeting on April 14, 2026, and developed a public meeting summary (ML26131A245).

IV. Public Comment Analysis

The NRC prepared a summary and analysis of public comments (“NRC Response to Public Comments: NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War”) received on the proposed rule, as referenced in the “Availability of Documents”

section. In response to the proposed rule, the NRC received 136 unique comment submissions.

The public comment submissions are available from the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2025–1503. Responses to the public comments, including a summary of how this final rule changed as a result of the public comments, can be found in the public comment response document as indicated in the “Availability of Documents” section of this document.

V. Regulatory Flexibility Certification

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

VI. Regulatory Analysis

The NRC has not prepared a separate regulatory analysis. However, the NRC performed a qualitative economic analysis of the rule's impacts. As a result of this final rule, the NRC expects that the NRC will not need to repeat technical reviews previously performed by DOE or DOW, to the extent that those reviews cover the same scope as the related content in the NRC license application. The final rule language at § 50.43(f) offers an option to meet the requirements in § 50.43(e), and the final rule language in § 53.440(a) provides an option for how to demonstrate that the design features required by § 53.400 meet the design criteria required by §§ 53.410 and 53.420. Therefore, the NRC does not anticipate that an application under the new § 50.43(f) or the revised § 53.440(a)(1) would require more review work than under the existing requirements. Furthermore, the NRC assumes that applications under these sections will be high-quality applications.

In general, the NRC expects cost savings to both applicants in preparing an application and the NRC in reviewing that application. The NRC was not able to quantify these potential savings in a useful way at this time. These savings depend on the applicability of the DOE/DOW reviews to NRC requirements and the ability of applicants to demonstrate that applicability, the number of applications that may reference a previous DOE/DOW authorization, as

well as how any potential differences (e.g., changes to the design or site-specific factors) from the previously authorized design also meet NRC requirements. The NRC anticipates that use of the approaches provided by § 50.43(f) or 53.440(a)(1) will become more efficient as experience is gained, i.e., there may be an initial learning curve which may result in greater cost savings over time, to both the NRC and applicants, as a result of the additional flexibility this final rule provides to applicants. Therefore, the NRC expects that this final rule will be cost beneficial to both the NRC and future applicants.

VII. Backfitting and Issue Finality

The changes to §§ 50.43(f) and 53.440(a)(1) do not impose new or revised requirements on existing licensees or approval holders because they include an option that would apply only to future applicants. Therefore, the changes do not constitute backfitting as defined in § 50.109(a)(1) or 53.1590(a)(1) or affect the issue finality of an existing approval issued under 10 CFR part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.”

VIII. Cumulative Effects of Regulation

The NRC seeks to minimize any potential negative consequences resulting from the cumulative effects of regulation (CER). The CER describes the challenges that licensees, or other impacted entities such as State partners, may face while implementing new regulatory positions, programs, or requirements (e.g., rules, generic letters, backfits, inspections). The CER is an organizational effectiveness challenge that may result from a licensee or impacted entity implementing a number of complex regulatory actions, programs, or requirements within limited available resources.

The goals of the NRC's CER effort were met throughout the development of this final rule. The NRC engaged with external stakeholders at a public meeting and solicited public comments on the proposed rule. The NRC included in the proposed rule a request for feedback related to CER. Specifically, the NRC requested feedback on the implementation and potential unintended consequences of the proposed rule, and invited comments on the regulatory analysis. The NRC received several comment submissions in response to these CER questions, which are addressed in the public comment response document as indicated in the “Availability of Documents” section of this document.

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

The NRC has determined that this final rule is the type of action eligible for categorical exclusion because it meets the criterion described in § 51.22(a)(1). This provision includes amendments to parts 50 and 53 related to procedures for filing and reviewing applications for licenses or construction permits or early site permits or other forms of permission or for amendments to or renewals of licenses or construction permits or early site permits or other forms of permission. The action belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the actions within the category do not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this final rule. For any particular licensing action that would use the pathways from this rule, the NRC will comply with its obligations under the National Environmental Policy Act, including by developing or using an environmental impact statement, environmental assessment, or categorical exclusion, as applicable.

XI. Paperwork Reduction Act

This 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 (OMB), approval numbers 3150–0011 and 3150–0274.

Public Protection Notification

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

XII. Executive Orders

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

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

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) within the OMB will review all significant rules. OIRA has determined that this final rule is a significant regulatory action under section 3(f) of E.O. 12866; though not economically significant under section 3(f)(1). Accordingly, the NRC submitted this final rule to OIRA for review. The NRC has prepared an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in Section VI, of this document, “Regulatory Analysis.”

B. Executive Order 14154: Unleashing American Energy

NRC has examined this 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 a deregulatory action as defined by E.O. 14192. Details on the estimated costs of this final rule can be found in Section VI of this document, “Regulatory Analysis.”

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

E.O. 14270, “Zero-Based Regulatory Budgeting to Unleash American Energy,” requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act

of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (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’s regulatory permitting scheme authorized by the AEA, ERA, or NWPA. 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 final rule.

XIII. Congressional Review Act

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

XIV. 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. In this final rule, the NRC revised its regulations to facilitate direct leveraging of prior DOE or DOW authorizations of demonstration reactors into the NRC’s licensing reviews of commercial reactor facility applications that utilize those designs. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XV. Availability of Guidance

The NRC will be issuing new guidance for the implementation of the amendments in this rulemaking. The NRC will publish **Federal Register** notices announcing the availability of the new guidance documents. The documents will be available at <https://www.regulations.gov> by searching on Docket ID NRC–2026–0760.

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./Federal Register citation
Final Rule Documents	
NRC Response to Public Comments: “NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War,” October 2026.	ML26282A996.
Public Meeting Summary for April 14, 2026, Meeting on NRC Reviews of Previously Authorized Reactor Designs, May 12, 2026.	ML26131A245.

Document	ADAMS accession No./Federal Register citation
Proposed Rule Documents	
Proposed Rule—"NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War," April 2, 2026.	91 FR 16584.
Unofficial Redline Rule Language for the Proposed Rule—"NRC Reviews of Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War," March 2026.	ML25301A002.
Other References	
Draft Interim Staff Guidance, DANU-ISG-2026-XX, "NRC Application Pathway for Reactor Designs Previously Authorized by U.S. Department of Energy or Department of War," April 17, 2026.	91 FR 20717.
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 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.
NRC Size Standard for Making Determinations Required by the Regulatory Flexibility Act of 1980, December 9, 1985.	50 FR 50241.
Presidential Memorandum, "Plain Language in Government Writing," June 10, 1998	63 FR 31885.
Proposed Rule—"Licensing Requirements for Microreactors and Other Reactors with Comparable Risk Profiles" (3150-AL36; NRC-2025-0379), May 1, 2026.	91 FR 23628.
Final Rule—Receipts-Based NRC Size Standards, February 17, 2022	87 FR 8943.

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-2025-1503. 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-2025-1503); (2) click the "Subscribe" button; and (3) enter an email address and click on the "Subscribe" button.

List of Subjects

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 53

Administrative practice and procedure, Antitrust, Backfitting, Construction permit, Combined license, Classified information, Criminal penalties, Early site permit, Emergency planning, Fees, Fire prevention, Fire protection, Inspection, Intergovernmental relations, Limited work authorization, Manufacturing license, Nuclear power plants and reactors, Operating license, Penalties,

Prototype, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Standard design, Standard design certification, Training programs.

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 parts 50 and 53:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

- 1. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

- 2. In § 50.43, add paragraph (f) to read as follows:

§ 50.43 Additional standards and provisions affecting class 103 licenses and certifications for commercial power.

* * * * *

(f) An application under paragraph (e) of this section may include

consideration of relevant information gathered from a utilization facility that has been previously authorized by the Department of Energy or the Department of Defense and that has been tested and has demonstrated the ability to function safely. Any reference to such a design must identify how attributes of the authorization satisfy NRC regulations, including paragraph (e) of this section.

PART 53—RISK-INFORMED, TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK FOR COMMERCIAL NUCLEAR PLANTS

- 3. The authority citation for part 53 continues to read:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 103, 108, 122, 147, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Pub. L. 115-439, 132 Stat. 5571.

- 4. In § 53.440, revise paragraph (a)(1) to read as follows:

§ 53.440 Design requirements.

(a)(1) Analysis, appropriate test programs, prototype testing, operating experience, or a combination thereof must demonstrate that each design feature required by § 53.400 meets the defined functional design criteria

required by §§ 53.410 and 53.420. This demonstration must consider interdependent effects throughout the commercial nuclear plant and the range of conditions under which the design features required by § 53.400 must function throughout the plant's lifetime. The bases for this demonstration may include consideration of relevant information gathered from a utilization facility that has been previously authorized by the Department of Energy or the Department of Defense and which has been tested and has demonstrated the ability to function safely. Any reference to such a design must identify how attributes of the authorization satisfy NRC regulations.

* * * * *

Dated: October 22, 2026.

For the Nuclear Regulatory Commission.

Jody Martin,

Secretary of the Commission.

[FR Doc. 2026-21801 Filed 10-22-26; 4:15 pm]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2026-9505; Airspace
Docket No. 26-AGL-18]

RIN 2120-AA66

Establishment of Class E Airspace; Canton, IL

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Graham Hospital Heliport, Canton, IL. This action supports new instrument procedures and instrument flight rule (IFR) operations.

DATES: Effective 0901 UTC, February 18, 2027. 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, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Raul Garza Jr., Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5874.

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 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 establishes Class E airspace extending upward from 700 feet above the surface at Graham Hospital Heliport, Canton, IL, to support IFR operations.

History

The FAA published an NPRM for Docket No. FAA-2026-9505 in the **Federal Register** (91 FR 51602; August 11, 2026) proposing to establish Class E airspace at Graham Hospital Heliport, Canton, IL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment expressed support for the NPRM. The commentor also requested that the FAA design the instrument approach corridors as compactly as safety allows to minimize lateral airspace expansion and preserve local VFR transit routes.

Class E5 airspace extending upward from 700 feet above the surface already existed in the Canton, IL, area prior to this rule to protect instrument procedures for Peoria International Airport (PIA). The current action (26-AGL-18) does not alter or expand the existing Class E airspace footprint over the City of Canton or impact VFR flight corridors in the Canton area.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 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 amendments 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 modifies 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Graham Hospital Heliport, Canton, IL. This action is the result of instrument procedures being developed for this heliport to support IFR operations.

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 action qualifies for categorical exclusion under the National Environmental Policy Act 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(k), which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. The FAA also determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

Lists of Subjects in 14 CFR 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IL E5 Canton, IL [Establish]

Graham Hospital Heliport, IL
(Lat 40°33'11" N, long 90°02'23" W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Graham Hospital Heliport.

* * * * *

Issued in Fort Worth, Texas, on October 21, 2026.

Jerry J. Creecy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2026–21817 Filed 10–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

15 CFR Part 15

[Docket No. 261015–0005]

RIN 0605–AA93

Streamlining the Regulations Governing Testimony by Employees and the Production of Documents in Legal Proceedings; Correction

AGENCY: Department of Commerce (Department).

ACTION: Final rule; correcting amendment.

SUMMARY: By this action, the Department makes a correcting amendment to its regulations governing testimony by its current and former employees and the production of its documents in legal proceedings. The Department previously amended those regulations via final rule by removing and/or replacing language that is redundant, that references other authorities, or that provides only unnecessary elaboration. One of the amendatory instructions set forth in that rule, however, indicated that certain introductory text and a certain subparagraph were being amended when, in fact, no such amendments were made to those portions. This action merely corrects that inaccurate amendatory instruction and does not make any further changes to the regulations.

DATES: The rule is effective October 26, 2026.

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Deputy General Counsel for Economic, Statistical, and Regulatory Affairs, Office of the General Counsel, at (240) 474–3619.

SUPPLEMENTARY INFORMATION: On October 19, 2026, the Department issues a final rule amending 15 CFR part 15 by removing and/or replacing language that is redundant, that references other authorities, or that provides only unnecessary elaboration (91 FR 65964). In that final rule, amendatory instruction 5 indicated, among other things, that the Department was amending the introductory text for § 15.14(g) as well as the contents of § 15.14(g)(2). However, the final rule did not make any such amendment for either. This action corrects that inaccurate amendatory instruction and does not make any further changes to part 15.

Regulatory Classifications

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), the Department finds good cause to waive

the prior notice and opportunity for public participation requirements of the Administrative Procedure Act for this action. The Department considers this action to be uncontroversial, and has determined that prior notice and opportunity for public participation is unnecessary, because this action only corrects an inaccurate amendatory instruction; this correction will ensure that the amendatory instructions properly reflect the amendments made by the rule. For the same reason, the Department has determined that delaying the effectiveness of this corrective action would be contrary to the public interest; this action will correct an omission and remove a potential source of confusion without introducing any new cost for the public. The Department therefore finds good cause to waive the public notice and comment period under 553(b)(B) and to waive the 30-day delay in effectiveness under 553(d).

B. Executive Orders 12866, 14192, and 13132

This rule is not significant pursuant to Executive Order (E.O.) 12866. This rule is an E.O. 14192 deregulatory action. This rule does not contain policies having federalism implications as the term is defined in E.O. 13132.

C. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public participation are not required to be given for this rule by 5 U.S.C. 553(b)(B), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

D. Paperwork Reduction Act

This rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects in 15 CFR Part 15

Administrative practice and procedure, Courts, Government employees.

Dated: October 22, 2026.

Daniel Sweeney,

Deputy General Counsel for Economic, Statistical, and Regulatory Affairs.

Accordingly, 15 CFR part 15 is corrected by making the following correcting amendments:

PART 15—LEGAL PROCEEDINGS

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 1501, 1512, 1513, 1515 and 1518; Reorganization Plan No. 5 of 1950; 3 CFR, 1949–1953 Comp., p. 1004; 44 U.S.C. 3101; subpart C is issued under 37 U.S.C. 101, 706; 15 U.S.C. 1673; 42 U.S.C. 665.

Subpart B—Testimony by Employees and the Production of Documents in Legal Proceedings

■ 2. Amend § 15.14 by revising paragraphs (f)(1) and (g)(1) to read as follows:

§ 15.14 Demand for testimony or production of documents in matters in which the United States is not a party.

* * * * *

(f) * * *

(1) Decline to answer on the grounds that such testimony is prohibited; and

* * * * *

(g) * * * (1) Current employees, with or without compensation, shall not provide expert or opinion testimony in any legal proceedings regarding Department information, subjects, or activities except on behalf of the United States or a party represented by the United States Department of Justice, unless they receive a prior authorization in writing from the General Counsel or appropriate agency counsel.

(i) If, while testifying in any legal proceeding, an employee is asked for expert or opinion testimony regarding official information, subjects, or activities, which testimony has not been approved in advance in accordance with the regulations in this subpart, the witness shall:

(A) Decline to answer on the grounds that such expert or opinion testimony is forbidden by the regulations in this subpart; and

(B) Request an opportunity to consult with the General Counsel or appropriate agency counsel before giving such testimony.

(C) [Reserved]

(ii) If the body conducting the proceeding then orders the witness to provide expert or opinion testimony regarding official information, subjects, or activities without the opportunity to consult with either the General Counsel or appropriate agency counsel, the witness shall decline to comply with that order.

* * * * *

[FR Doc. 2026–21764 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[SATS No. OH–258–FOR; Docket No. OSM–2017–0005; S1D1S SS08009000 SX064A000 278S180110; S2D2S SS08009000 SX064A000 27XS501520; S2R2B SS08009000 SX064A000 22XS50151]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approving.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Ohio regulatory program (Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). OSM is approving Ohio's proposal to add, rescind, or modify 39 rules under the Ohio Administrative Code that relate to, among other things: permit applications, hydrologic map and cross-sections, general map requirements, requirements for permits for special categories of mining, underground mining permit application, small operator assistance program, and self-bonding.

DATES: The effective date is November 25, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Koptchak, Field Office Director, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220; Telephone: (202) 513–7685; email: tkoptchak@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

II. Submission of the Amendment

III. OSM's Findings

A. New Rules

B. Rescission of Self-Bonding

C. Minor Revisions and Minor Non-Substantive Changes to Ohio Rules

D. Revisions to Ohio's Rules That Are No Less Effective Than the Corresponding Provisions of the Federal Regulations

IV. Summary and Disposition of Comments

V. OSM's Decision

VI. Procedural Determinations

I. Background on the Ohio Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its approved State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act

and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7); 30 CFR 730.5 and 732.15(a). Based on these criteria, the Secretary of the Interior conditionally approved the Ohio program on August 16, 1982. You can find background information on the Ohio program, including the Secretary's findings, the disposition of comments, and conditions for approval of the Ohio program in the August 10, 1982, **Federal Register** (47 FR 34688). You can also find later actions concerning the Ohio program and program amendments at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Submission of the Amendment

By letter dated November 30, 2015 (Administrative Record No. OH–2194–01), the Ohio Department of Natural Resources (ODNR), Division of Mineral Resources Management (DMRM), sent us an amendment to its approved program under SMCRA (30 U.S.C. 1201 *et. seq.*) seeking to revise 39 rules of the Ohio Administrative Code (OAC). This submittal was prompted by requirements of Section 106.3 of the Ohio Revised Code that all Ohio agencies must review their administrative rules every five years.

OSM announced receipt of the request in the May 4, 2020, **Federal Register** (85 FR 26413) (Administrative Record No. OH–2194–07). In the same document, OSM opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. OSM did not hold a public hearing or meeting because none was requested. The public comment period ended on May 19, 2020. No comments were received.

III. OSM's Findings

OSM made the following findings concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. OSM is approving the amendment as described below. Any revisions not specifically discussed are non-substantive wording or minor editorial changes to previously approved rules that are no less effective than the Federal regulations. The full text of the approved amendment is available online at www.regulations.gov.

A. New Rules

OAC 1501:13–4–08.1 Application, Supplemental and Hydrologic Maps, and Cross-Sections, Designs and Plans for Underground Workings

Ohio promulgated this new regulation for underground workings as a companion rule to OAC 1501:13–4–08, which formerly related only to hydrologic maps and cross-sections, but

which Ohio has also revised to include the requirements for maps, cross-sections, designs and plans for surface coal mining operations and surface operations of underground mines. This new rule includes mapping requirements applicable to underground workings only. Like the revisions to OAC 1501:13-4-08, which OSM addresses and approves below, Ohio used subsections (J) and (K) of OAC 1501:13-4-04 and 1501:13-4-13, which Ohio removed from those rules, and the hydrologic maps and cross section requirements of OAC 1501:13-4-08, as the baseline for this rule. Ohio modified those provisions to account for the fact that this new rule pertains only to underground workings. For reasons OSM explains more below in our findings, OSM will only describe the modifications Ohio made to those baseline provisions as they appear in Ohio's new version of OAC 1501:13-4-08.

First, in all but three instances (of which specifically required the term "permit area") Ohio replaced the term "permit area" with the term "shadow area," which is defined at OAC 1501:13-1-02(ZZZZZ) to mean the surface areas above the underground workings and surface areas within the angle of draw of such workings. Ohio did not include the requirements to show certain features that are specific to surface mining operations and not relevant to areas of underground workings, such as areas of prime farmland, identification of certain surface mining methods, drainage control features, haul roads, highwalls and slopes, and coal storage and cleaning areas. Ohio also eliminated the requirement that the map show the location and extent of subsurface water, noting that the requirement to show this feature on the cross-sections still exists at subsection (F)(1), and replaced the phrase "coal crop lines" with "coal contour lines." Ohio revised the requirement to show the location and extent of known workings of inactive or abandoned underground mines to also include other active underground mines.

Of the supplemental maps and cross-sections requirements at subsection (B), Ohio has only retained the requirement to show the nature, depth and thickness of the coal seams to be mined, each stratum of the overburden, and the stratum immediately below the lowest coal seam to be mined. Ohio also added a proviso that DMRM may request other relevant supplementary materials.

For the hydrologic map requirements at subsection (C), Ohio added language to require the map to include the area

within one thousand feet of the proposed shadow area for full coal recovery mining operations and within three hundred feet of the proposed shadow area for room and pillar mining, as well as the following features in those areas: all occupied buildings, perennial and intermittent streams, springs, seepage zones, water wells, and any well, well field, reservoir, river, or other water source used for a public water supply. Under subsection (D), Ohio added water supplies, sampling stations, and monitoring stations to the list of items for which DMRM may require additional information outside the area limits described above, and added water wells to the list of features that do not need to be shown on the hydrologic map when they are located beyond an intermittent or perennial stream located within one thousand feet of the proposed permit area and the lowest coal seam to be mined is at a higher elevation than the stream. Under subsection (F), Ohio revised the introductory language to specify that one or more hydrologic cross-sections may be required to adequately provide the information required under that rule.

OSM Finding: The Federal regulations at 30 CFR 784.23(a) require that maps, plans and cross-sections for underground mining permit applications must show the underground mining activities to be conducted, the lands to be affected throughout the operation, and any change in a facility or feature to be caused by the proposed operations if the facility or feature was shown on the maps or cross-sections required under 30 CFR 783.24 and 783.25. In promulgating this requirement, OSM explained that it is distinct from, and supplementary to, the requirements under subsection (b), which relates to features of the proposed permit area. See 44 FR 14902, 15077 (Mar. 13, 1979). Subsections (a) and (b) operate together to give the regulatory authority an overview of the entire operation, which is necessary to assess its cumulative impacts. *Id.* The Federal regulations do not otherwise enumerate the specific information an applicant must provide for underground workings, but uses the general requirements for maps, plans, and cross-sections relevant to the proposed permit area as a frame of reference. In that way, Ohio's new rule is no less effective than the Federal rule at 30 CFR 784.23(a). OSM finds that the provisions of Ohio's new rule at OAC 1501:13-4-08.1 capture all the requirements from its existing rules for surface operations of underground

mines that are relevant to underground workings and the areas and features above those workings that could be impacted by the underground mining operations, and that the proposed rules adequately authorize DMRM to require additional information as necessary. OSM also approves other modifications Ohio made to this rule that OSM did not discuss above because they are either minor or are revisions to Ohio's existing program that Ohio also made to the companion rule at OAC 1501:13-4-08, which OSM addresses and approves below.

B. Rescission of Self-Bonding

OAC 1501:13-7-04 Self Bonding (and Related Provisions)

Ohio is rescinding this rule in its entirety because DMRM has determined that it will no longer accept self-bonds as a form of performance security. In justifying its rescission, DMRM noted that self-bonding has never been used in Ohio. DMRM also referred to the coal industry's financial health, reflected by several bankruptcies, as a rationale for not accepting self-bonds in the future. With the rescission of this rule, Ohio also deleted the term "self-bond" from the definition of the term *performance security* at OAC 1501:13-1-02(III), the defined term *self-bond* at subsection (V) of that rule, and references to self-bonds at the following rules under Chapter 7 of the DMRM's coal mining regulations (related to performance security): OAC 1501:13-7-01(E)(4) (regarding the responsibilities of the chief of DMRM); OAC 1501:13-7-03(A)(3) and (C)(2) (regarding form, conditions, and terms of performance security); subsection (B)(4)(a) of both OAC 1501:13-7-05 and -05.1 (regarding release of performance security); and OAC 1501:13-7-06(C)(4)(c) (regarding forfeiture of performance security). In 2022, Ohio deleted an additional reference to the self-bonding rule from OAC 1501:13-7-03(B)(3).

OSM Finding: OSM approves the rescission of OAC 1501:13-7-04 because neither Section 509 of SMCRA nor its implementing regulations at 30 CFR part 800 require state regulatory authorities to accept self-bonding under their regulatory program. OSM's Final Rule relating to self-bonding published in the August 10, 1983, **Federal Register** (48 FR 36418) explains that the regulatory authority reserves the ultimate discretion whether or not to accept self-bonding. A State's discretion and flexibility to prescribe the type of performance bond that it find acceptable is further codified in the Federal regulations at 30 CFR 800.12 and

800.23. Therefore, Ohio's bonding regulations remain as effective as the Federal regulations in meeting the requirements of SMCRA without OAC 1501:13-7-04 and the related provisions from OAC 1501:13-1-02, and Chapter 7 (Performance Security), and OSM approves the deletion. OSM also approves Ohio's subsequent deletion of a reference to self-bonding at OAC

1501:13-7-03(B)(3) in 2022. Even though this provision was not made until after publication of the proposed rule in the 2020 **Federal Register** notice, OSM finds that it is materially consistent with the revisions that were the subject of that notice, and that providing additional notice and public procedure under section 553 of the Administrative Procedure Act (APA) is

impracticable, unnecessary, and contrary to public interest in light of our findings. *See* 5 U.S.C. 553(b)(B).

C. Minor Revisions and Minor Non-Substantive Changes to Ohio Rules

Ohio made minor and non-substantive revisions to the following provisions:

State regulation	Federal regulation/ counterpart	Revisions
OAC 1501:13-1-01 <i>Effective date and applicability</i> ..	30 CFR 701.11	(C)(4)(a) and (b) revised to incorporate two new rules related to valid existing rights, 1501:13-3-01 and 1501:13-3-02, and approved at SATS No. OH-252-FOR.
OAC 1501:13-1-13 <i>Rule references</i>	None	Example references to OAC 1501:13-4-04 were revised due to changes in paragraph numbering.
OAC 1501:13-1-14 <i>Incorporation by reference</i>	None	References to Federal laws and regulations updated.
OAC 1501:13-3-01 <i>Standards for demonstration of valid existing rights.</i>	30 CFR 761.5(b)(2)(iv)	References to the life-of-mine map have been updated as these requirements are being relocated to OAC 1501:13-4-08 and 1501:13-4-08.1.
OAC 1501:13-4-12 <i>Requirements for permitting special categories of mining.</i>	30 CFR 785.17	(F)(2) revised to fix citations to OAC 1501:13-4-04 and 1501:13-4-13.
OAC 1501:13-6-03 <i>Small operator assistance program.</i>	30 CFR 795.9(b)(3)	References to cross section maps and plans have been revised, as these are being relocated to OAC 1501:13-4-08 and 1501:13-4-08.1.
OAC 1501:13-8-01 <i>Coal exploration; performance standards.</i>	30 CFR 815.15	Reference to OAC 1501:13-9-14 corrected.
OAC 1501:13-9-02 <i>Casing and sealing of drilled holes.</i>	30 CFR 816.13, 816.15, 817.13, and 817.15.	Minor, editorial corrections/revisions.
OAC 1501:13-9-11 <i>Protection of fish, wildlife, and related environmental values.</i>	30 CFR 816.97 and 817.97	Rephrased using language from subsection (f) of the Federal rules.
OAC 1501:13-9-16 <i>Cessation of operations</i>	30 CFR 816.131 and 816.132	Minor, editorial corrections/revisions and the addition of a citation to ORC Chapter 1513.
OAC 1501:13-10-01 <i>Roads; performance standards</i>	30 CFR 816.151 and 817.151	Minor, editorial corrections/revisions to adopt phrasing from subsection (d)(6) of the Federal rules.
OAC 1501:13-12-01 <i>Underground operations</i>	None	Minor revisions to ensure that underground operations comply with all relevant provisions of ORC Chapter 1513 rather than only the permit requirements at ORC 1513.35.
OAC 1501:13-13-03 <i>Operations on prime farmland</i>	30 CFR 823.14	Minor, editorial corrections/revisions and to adopt phrasing from subsection (b) of the Federal rule.
OAC 1501:13-14-01 <i>Inspections</i>	30 CFR part 840	Removed outdated phrase "Conducted under a D-permit"; all coal mining in Ohio now uses D-permits.

OSM Finding: OSM has determined that these minor, editorial revisions do not affect the meaning or effectiveness of Ohio's regulations, which continue to be no less effective than the Federal regulations at meeting the requirements of SMCRA, and OSM therefore approves them.

D. Revisions to Ohio's Rules That Are No Less Effective Than the Corresponding Provisions of the Federal Regulations

OAC 1501:13-1-10 Availability of Records

In 2009, Ohio deleted language from subsection (B)(2) that required certain county offices in counties where mining is occurring or proposed to occur, but in which DMRM does not maintain its own

office, to either make copies of certain records available for public inspection or make available a description of information available for copying and mailing to requestors. Ohio's revision would have put the sole responsibility for making those records available on the DMRM district office responsible for inspection of the operation, in whichever county that office happens to be located. In 2016, as part of this current program amendment, Ohio restored the language it had deleted in 2009. Additionally, Ohio revised subsection (B)(2)(b) and added subparagraphs (b)(i) and (b)(ii), to make a distinction between requestors who are residents of the area where the mining is occurring and those who are not. Subparagraph (b)(i) provides that if the requestor is a resident of the area

where the mining is occurring, DMRM will provide copies of the requested documents at no charge, and subparagraph (b)(ii) provides that for other individuals requesting copies of the records, DMRM will comply with ODNR's policy in charging a fee for copies.

OSM Finding: Ohio submitted its 2009 revisions as part of a program amendment that OSM docketed at SATS No. OH-252-FOR. Subsequent to that submission, OSM notified Ohio of the requirement at 30 CFR 840.14(c) that requires that the records (or the description thereof) be available at a Federal, State or local government office in the county where the mining is occurring or proposed to occur, and Ohio restored the language it had deleted in order to keep its rule as

effective as the Federal rule. In the program amendment docketed at SATS No. OH-252-FOR, OSM deferred its decision on Ohio's 2009 revision until OSM could address it together with Ohio's 2016 correction. *See* 91 FR 51324, 51347 (Aug. 7, 2026). Because OSM had not approved Ohio's 2009 revision, it had not taken effect. *See* 30 CFR 732.17(g). Therefore, OSM need not approve Ohio's correction but reiterates that Ohio's corrected rule continues to be as effective as the Federal rule at 30 CFR 840.14(c). Secondly, OSM notes that 30 CFR 840.14(c)(2) requires only that in providing copies by mail, the regulatory authority must provide such copies at its own expense at the request of residents of the area where mining is occurring or proposing to occur. Therefore, Ohio's election to provide copies at no charge for residents and at a fee consistent with ODNr policy for nonresidents is no less effective than the Federal rule, and OSM approves Ohio's revisions to OAC 1501:13-1-10(B)(2)(b).

OAC 1501:13-4-03 Permit Applications; Requirements for Legal, Financial, Compliance and Related Information

Ohio revised subsection (D)(2) to narrow when a permit applicant mining a private mineral estate that has been severed from the private surface estate must submit a consent for right of entry from the landowner, a document of conveyance that expressly grants or reserves the right to extract the coal, and/or other documentation acceptable under state law that demonstrates that the applicant has that legal right. Ohio's revisions to subsection (D)(2) and its subordinate clauses add that such documents are required when surface disturbance will result from the applicant's proposed use of surface mining methods, and that the documents demonstrate that the landowner consents to, or the other documents convey the right to, cause the surface disturbance. Ohio also revised subsections (E)(3) and (E)(4) to specify that the distance limitations of coal mining operations from occupied dwellings and roads are measured horizontally.

OSM Finding: Ohio's revisions to this rule reflect revisions to Ohio's statutes at ORC 1513.07(E)(2) and ORC 1513.073 from Ohio House Bill 163 (approved June 30, 2011), 2011 Ohio Laws 36, which OSM approved in a separate program amendment docketed at SATS No. OH-252-FOR. *See* 91 FR 51324, 51343 (Aug. 7, 2026). OSM incorporates its discussion of those revisions here and approves the revisions to OAC 1501:13-4-03.

OAC 1501:13-4-04 Permit Application Requirements for Information on Environmental Resources

Ohio added subsection (D)(6), which consists of numerous provisions that outline the methodology a permit applicant must use to identify seasonal variations for groundwater and surface water, including a process for collection and submission of water samples and a table showing periods throughout the year that exhibit low flow, transition flow, intermediate flow, and high flow conditions.

In addition, Ohio included the Division's Permitting and Hydrology Policy/Procedure Directive 2002-2 (PPD 2000-2), so it would be applied consistently to all statewide mining permit applications. Ohio also added subsection (D)(7) to allow applicants to collect water quality and quantity data in a manner other than described in subsection (D)(6), so long as DMRM determines that the alternative data is adequate to identify the necessary seasonal variations for the hydrologic assessments required by ORC Chapter 1513 and its related regulations.

Ohio deleted subsections (J) and (K), which contained the requirements for maps, supplementary maps, cross-sections, designs and plans, and moved those provisions to OAC 1501:13-4-08 (discussed below), and a new rule at OAC 1501:13-4-08.1 (discussed above in Part A).

OSM Finding: The proposed revisions relate to Ohio's requirements for permit applications for information on environmental resources for the proposed mining area. The Federal regulations at 30 CFR 780.21(b) and 784.14(b) require that permit applicants include certain baseline hydrologic information, including the seasonal quality and quantity of groundwater and information on surface water quality and quantity sufficient to demonstrate seasonal variation, with quantity descriptions to include, at a minimum, baseline information on seasonal flow rates. OSM has determined that the proposed revisions have no Federal counterpart. Ohio incorporated these provisions into its regulations from its guidance document entitled, "Permitting and Hydrology Policy/Procedure Directive 2002-2(PPD 2000-2)" due to a 2007 State court decision in the matter *Buckeye Forest Council, Inc. v. Div. of Mineral Res. Mgmt.* 172 Ohio App.3d 440. In *Buckeye*, the Court of Appeals of Ohio, Seventh Appellate District, found that Ohio's guidance applied to all mining applications statewide, it constituted an improperly

promulgated rule that was therefore unenforceable (though that issue was not outcome determinative to the case). *Id.* at 446-47. Because Ohio simply adopted into regulation its existing guidance for complying with its approved SMCRA program, OSM considers these revisions non-substantive and find that they do not affect the meaning or effectiveness of Ohio's program. This rule continues to be no less effective than the Federal regulations requiring certain baseline hydrologic information at 30 CFR 780.21(b) and 784.14(b) and no less stringent than Section 507(b)(11) of SMCRA and are approved. OSM addresses the map requirements from subsections (J) and (K) as they appear in their new locations at OAC 1501:13-4-08 and -08.1 and approves their deletion here.

OAC 1501:13-4-05 Permit Application Requirements for Reclamation and Operation Plans

Ohio revised subsection (A)(2)(b) to require that certain facilities that the applicant proposes to retain on the property after the completion of reclamation be necessary for the approved postmining land use. Ohio's revision restores the requirement to the version that existed prior to April 30, 2009, when Ohio began to require that retention of the facilities need only be approved by DMRM. Subsection (G)(2) requires that the reclamation plan contain a copy of comments from the surface landowner and relevant government authorities concerning the proposed postmining land use. Ohio added a proviso to this subsection to specify that this requirement will not apply where no surface disturbance will result from proposed auger/highwall mining. Ohio also added subsection (H)(7) to incorporate by reference Soil Conservation Service Technical Release No. 60 and direct the reader to OAC 1501:13-9-04(H)(1)(a) for information on obtaining a copy.

OSM Finding: OSM addressed Ohio's restoration of subsection (A)(2)(b) in the program amendment docketed at SATS No. OH-252-FOR. In OH-252-FOR, OSM explained that because Ohio restored the requirement as OSM originally approved it, OSM did not need to address its deletion. *See* 91 FR 51324, 51349 (Aug. 7, 2026). Likewise, OSM does not need to further address its restoration.

Ohio explained that its new proviso for auger/highwall mining at subsection (G)(2) was predicated on a related revision to its statutes at ORC 1513.07(E) by Ohio House Bill 163, referenced above, that written consent

for right of entry by the landowner (or written conveyance for the right to mine) was required only where the mining would result in surface disturbance. OSM also addressed that revision in OH-252-FOR, where OSM explained that when an operation will not disturb the surface, the surface rights owner will not be affected. *Id.* at 51349. However, OSM added that in the case of room-and-pillar or auger mining, access points would qualify as surface disturbance. In Ohio's Rule Summary and Fiscal Analysis form dated November 2, 2015, which accompanied the current revision, Ohio explained that "the landowner will have full, undisturbed use of the land above auger/highwall mining before, during, and after mining" and that even with the new proviso, subsection (G)(2) remains as effective as the Federal provision at 30 CFR 780.23(c) because the proviso relates only to "the area above a highwall or auger mining operation that will not have surface disturbance." Even though the text of the proviso itself does not make this distinction between areas above the highwall and access points, OSM approves this revision with the understanding that the proviso does not apply to access points of these operations, which OSM explained in OH-252-FOR constitute surface disturbance. Under Ohio's interpretation of the proviso, subsection (G)(2) remains as effective as the Federal rule at 30 CFR 780.23(c) at meeting the requirements of the Act and is consistent with our approval of Ohio's revision to ORC 1513.07(E) in OH-252-FOR, and OSM will continue to monitor Ohio's implementation of this rule through our regular oversight function to determine whether future clarification is necessary. Finally, Ohio's addition of subsection (H)(7) has no substantive effect on Ohio's rules pertaining to ponds, impoundments, banks, dams, and embankments included in the reclamation plan and only provides additional reference for informational purposes. Therefore, OSM approves it.

OAC 1501:13-4-08 Application, Supplemental and Hydrologic Maps, and Cross-Sections, Designs and Plans

Ohio revised this rule, which formerly pertained only to hydrologic maps and cross-sections, to also include the map, cross-section, design and plan requirements for surface coal mining operations and the surface operations of underground mines that Ohio deleted from subsections (J) and (K) of both OAC 1501:13-4-04 (related to surface mining permit applications) and

1501:13-4-13 (related to underground mining permit applications). Subsection (A) relates to maps submitted with the permit application, and subsection (B) relates to supplementary maps, cross-sections, designs and plans. Ohio made several additional revisions, such as replacing the phrase "permit area" with "proposed permit area" and clarifying that certain features must be shown if they are within the proposed permit area, and certain other features must be shown if they are located in and within a certain distance from the proposed permit area. Ohio revised subsection (A)(25) to require that the application map show the location of gas and oil wells in and within twenty-five feet of the proposed permit area, rather than simply in the permit area, and the location of producing gas and oil wells in and within three hundred feet of the proposed permit area. With this revision, Ohio also segregated out the requirement that the map show the location of water wells into its own provision at subsection (A)(26).

OSM also deferred addressing revisions Ohio made to these provisions in 2010 that were part of OH-252-FOR, referenced above. *See* 91 FR 51324, 51348 (Aug. 7, 2026). Ohio deleted from the provision that now exists at subsection (A) that enabled an applicant to have its application maps certified by an engineer and added language allowing that they be certified by either a surveyor, or jointly by an engineer and surveyor to the extent such joint certification is required by State law. Similarly, Ohio deleted from the provision that now exists at subsection (B)(2) language that enabled an applicant to have its supplementary maps and cross-sections certified by a surveyor, now allowing that they be certified by an engineer or jointly by an engineer and a surveyor to the extent such joint certification is required by State law.

Finally, Ohio re-lettered the existing hydrologic map and cross-sections provisions as subsections (C)-(F) and revised internal citations accordingly. Ohio also revised subsection (C)(11), which required that the hydrologic map show all underground coal mine entries within one thousand feet of the proposed permit area, to now require the location and extent of known workings of active, inactive, or abandoned underground mines, including mine openings to the surface, within the proposed permit and adjacent areas.

OSM Finding: Ohio's transition to the phrase "proposed permit area" and additional phrasing to denote whether a feature must be within the proposed

permit area are minor clarifications that reflect our use of those qualifying phrases in the mapping requirements of 30 CFR Chapter VII, subchapter G. Ohio's revision to subsection (A)(25) to extend the rule to gas and oil wells within 25 feet of the proposed permit area, and out to 300 feet for producing gas and oil wells, is no less effective than the corresponding Federal requirements at 30 CFR 779.25(a)(10) and 783.25(a)(10), which only requires showing gas and oil wells within the proposed permit area. As OSM has explained before, Section 505(b) of SMCRA, 30 U.S.C. 1255(b), provides the States discretion to require more stringent regulations. Next, Ohio's revisions to limit who prepares and certifies maps, plans and cross-sections are no less effective than 30 CFR 779.25(b) and 783.25(b) at meeting the requirements of the Act. As OSM explained when OSM promulgated the Federal regulations, Congress amended SMCRA in 1983 to allow the preparation and certification of maps, plans and cross-sections to professional surveyors where authorized by State law. *See* 50 FR 16194 (Apr. 24, 1985). Ohio retains the discretion to direct which components of its mapping requirements are prepared by professional engineers, surveyors, or in combination, as appropriate under State law. Finally, Ohio's decision to require the location and extent of known workings of active, inactive, or abandoned underground mines on its hydrologic maps, in addition to the existing requirement to show the mine openings, is also no less effective than the Federal requirements. The Federal regulations at 30 CFR 779.25(a)(5) and 783.25(a)(5) require those features to be shown on the application maps, as does Ohio's regulation at subsection (A)(21), but does not otherwise require those be shown on the hydrologic map. Accordingly, OSM finds that Ohio's revisions to this rule render it no less effective, and in some cases more stringent, than the Federal mapping requirements of 30 CFR Chapter VII, subchapter G, and OSM approves them.

OAC 1501:13-4-09 General Map Requirements

Ohio revised subsection (B) to specify that the map legend must indicate which symbols from OAC 1501:13-4-10(C) appear on the map. Ohio also revised subsection (D)(1) to include supplemental maps and hydrologic maps in the list of map-types that could appear in the title, which must describe the map.

OSM Finding: These revisions relate to Ohio's general requirements for maps

submitted with permit applications for proposed mining operations. The Federal regulations do not contain any specific requirements for map legends nor titles. Consequently, each regulatory authority may provide map legend or title requirements it believes will aid in the effective implementation of its approved program. Therefore, the proposed revisions are no less effective than the various mapping requirements under 30 CFR Chapter VII, subchapter G, parts 777, 779, 780, 783 and 784, and no less stringent than Sections 507(b)(9), (b)(13) and (b)(14) of SMCRA, and OSM approves them.

OAC 1501:13-4-10 Uniform Color Code and Map Symbols

In updating this rule, Ohio determined that its changes and additions to the map symbols were significant enough that rescinding the existing rule and replacing it with the amended version was preferable to making line-by-line revisions. For our purposes, OSM simply notes the differences between the previous rule and the new rule as if they were revisions. Ohio revised subsection (A) to specify that supplemental maps and hydrological maps must also use the uniform color codes laid out in the rule. Ohio revised subsection (A)(3) to establish a color code for area lines and shading designating existing impoundments and wetlands, with the latter distinguished by whether the wetlands have been verified by the U.S. Army Corps of Engineers or not, and if they are proposed/restored/mitigated wetlands. Ohio revised subsection (A)(4) to clarify that the streams to which it applies may be perennial or intermittent, to change the coloring, and to add a distinction for areas within 100 feet of a perennial or intermittent stream where the buffer area will not be disturbed. Ohio also added color codes for any shadow areas at new subsection (A)(7), and, on annual maps, for remaining areas affected during each mining year that are not to be reaffected during the following mining year at new subsection (B)(3). Finally, Ohio revised subsection (C) to add a requirement that the size and location of each symbol must not obscure other necessary information on the map, and to modify and add to the list of uniform map symbols, which appear at paragraphs (1) through (82) (up from thirty-nine).

OSM Finding: The Federal regulations do not contain any specific requirements pertaining to mapping color codes or symbols. Like OSM found above with map legends and titles, each regulatory authority may provide color code or symbol requirements it believes

will aid in the effective implementation of its approved program. Therefore, the proposed revisions are no less effective than the various mapping requirements under 30 CFR Chapter VII, subchapter G, parts 777, 779, 780, 783 and 784, and no less stringent than Sections 507(b)(9), (b)(13) and (b)(14) of SMCRA, and OSM approves them.

OAC 1501:13-4-11 Maps Showing Reaffection of Permit Area

In addition to some miscellaneous editorial updates and corrections, Ohio revised subsections (B), (B)(2) and (B)(5) to restore the use of the phrase “valid existing rights,” which Ohio had changed to “a valid right to the mineral resource” in 2009.

OSM Finding: OSM need not discuss the substance of these provisions, the reason for Ohio’s 2009 change, which Ohio asserts was in error, nor its subsequent reversal. OSM neither addressed nor approved Ohio’s 2009 revisions and, therefore, as mentioned elsewhere in this amendment, OSM need not address Ohio’s subsequent correction.

OAC 1501:13-4-13 Underground Mining Permit Application Requirements for Information on Environmental Resources

Ohio made the same revisions to the mapping and seasonal variation of water provisions to this rule that it made to OAC 1501:13-4-04, the equivalent regulation for surface coal mining permit applications that OSM discusses above.

OSM Finding: OSM incorporates its discussion above of those changes here and approves the revisions to this rule for the same reasons.

OAC 1501:13-4-14 Underground Mining Permit Application Requirements for Reclamation and Operations Plans

Like its companion rule for surface mining permits at OAC 1501:13-4-05, addressed above, Ohio revised subsection (A)(2)(b) to require certain facilities the applicant proposes to retain on the property after the completion of reclamation be necessary for the approved postmining land use. Ohio’s revision restores the requirement to the version that existed prior to April 30, 2009, when Ohio began to require that retention of the facilities need only be approved by DMRM. Ohio also added subsection (H)(7) to incorporate by reference Soil Conservation Service Technical Release No. 60 and direct the reader to OAC 1501:13-9-04(H)(1)(a) for information on obtaining a copy.

OSM Finding: As OSM discussed above, OSM need not address any further Ohio’s revisions restoring the requirements of subsection (A)(2)(b). OSM also incorporates our findings from above regarding Ohio’s revision to subsection (H)(7) of OAC 1501:14-4-05, and OSM approves the identical revision here for the same reasons.

OAC 1501:13-5-01 Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions

Ohio revised subsection (E)(6) to specify that DMRM must review the permit application to ensure that the applicant has provided proper right-of-entry documentation for areas where the proposed operation results in surface disturbance. Ohio also revised subsection (G)(3), which requires that each permit has a specific condition that coal mining and reclamation operations are conducted only on those lands specifically designated on maps submitted pursuant to certain rules, to add a reference to its new mapping rule for underground workings at OAC 1501:13-4-08.1, which OSM approved above.

OSM Finding: As OSM explains above in our approval of revisions to OAC 1501:13-4-03(D)(2), Ohio’s revisions to this rule reflect revisions to Ohio’s statutes at ORC 1513.07(E)(2) and ORC 1513.073 from Ohio House Bill 163 of 2011, which OSM approved in a separate program amendment docketed at SATS No. OH-252-FOR. See 91 FR 51324, 51342-43 (Aug. 7, 2026). OSM incorporates our discussion of those revisions here and approves this revision. OSM notes that Ohio made a subsequent revision to a citation to OAC 1501:13-4-03 due to a revision Ohio made to that rule in 2018. The 2018 revision, and by extension the 2020 correction, are part of a separate program amendment docketed at SATS No. OH-256-FOR, and OSM does not make any determination on them here.

Ohio’s revision to subsection (G)(3) does not substantively change the rule’s requirements, which OSM had already found as effective as the corresponding Federal regulation at 30 CFR 773.17(a). The Federal rule more broadly describes “maps submitted with the application” without enumerating the required maps. Ohio made a subsequent revision to subsection (G)(3) that is a part of OH-256-FOR, and which OSM does not address here.

OAC 1501:13-7-07 Liability Insurance

Ohio revised subsection (A) to allow a permit applicant with an existing permit to include in a new permit

application a notarized certification recognizing that proof of liability insurance, along with the rider required by subsection (B)(3), exist in the applicant's central file for identity information authorized by OAC 1501:13-4-03(J), in lieu of a separate, independent certificate of insurance.

OSM Finding: The Federal regulations at 30 CFR 800.60 require that an applicant must submit as part of its permit application a certificate of insurance that meets the requirement of that rule, including a rider that requires that the insurer notify the regulatory authority whenever substantive changes are made in the policy including termination or failure to renew. The Federal regulation does not expressly provide that in lieu of that certificate, an operator may provide a notarized certification that a certificate of insurance exists in a central file that exists for the applicant. However, OSM finds that this measure, meant to avoid duplication of documents for applicants that hold several permits, is no less effective than the Federal requirement, and OSM approves it. In promulgating 30 CFR 800.60, OSM specified in response to public comments that one policy could cover multiple operations. See 48 FR 32910, 32958 (July 19, 1983). OSM approved Ohio's creation of the central file authorized by OAC 1501:13-4-03(J) in 2015, noting that while it has no precise Federal counterpart, that it provides an acceptable alternative means for submitting, updating, and maintaining identification information. See 80 FR 63120, 63123 (Oct. 19, 2015).

OAC 1501:13-9-01 Signs and Markers

Ohio limited the types of markers that may be used at the operation to fence posts, trees, engineering lath or stakes by deleting from subsection (C)(1) the phrase "but shall not be limited to." Ohio also revised the marker requirements for buffer zones at subsection (E) by requiring those markers include orange and black stripes to distinguish them from the solid orange required of other markers and require that they clearly define the limits of the buffer zone so that adjacent buffer zone makers are visible in either direction along the boundary. Ohio also reduced the number of paragraphs from subsection (C) that apply to buffer zones, eliminating the application of paragraphs (2), (4), and (6), that apply to the permit boundary and permit area more broadly, and added a reference to its rule describing buffer zones at OAC 1501:13-9-04(E).

OSM Finding: The Federal regulations concerning signs and markers at 30 CFR 816.11 and 817.11 only require that they

are of uniform design, can be easily seen and read, are made of durable material, and conform to local ordinances and codes, among other general performance standards. Regarding buffer zones, the Federal regulations require that they are marked only along their boundaries. Ohio's revisions relate to details that do not exist in the Federal regulations and do not diminish Ohio's existing requirements, which OSM had originally found to be as effective as the Federal regulations at the time OSM approved of the Ohio program. Therefore, OSM approves these revisions.

OAC 1501:13-9-07 Disposal of Excess Spoil

Ohio revised subsection (K), which requires that underground disposal of excess spoil occur according to a plan approved by DMRM and MSHA under OAC 1501:13-4-14(N), by adding a citation to subsection (O). Ohio also corrected applicable internal citations at subsection (M), related to durable rock fills, and subsection (N), restoring an earlier requirement that placement of spoil on preexisting benches meet the engineering and design requirement of subsection (B). Also, at subsection (N), Ohio disallows placement of excess spoil on the downslope below the upper bench except on designated gravity transport courses properly prepared according to OAC 1501:13-9-03. Ohio revised this provision to add that the courses also be prepared according to OAC 1501:13-9-14, which also contains requirements for postmining graded slopes.

OSM Finding: OSM finds that none of the citations Ohio added or revised in this rule changed the basic existing requirements that already conformed to the Federal requirements at 30 CFR 816.71 (Disposal of excess spoil: General requirements), 816.73 (Disposal of excess spoil: Durable rock fills) and 816.74 (Disposal of excess spoil: Preexisting benches), and their correlating provisions in 30 CFR part 817. In restoring the requirement that design be certified by a registered professional engineer, Ohio explained that it was unclear why the reference was removed through a rulemaking in 1988, but that it is required by subsection (c) of both 30 CFR 816.74 and 817.74. OSM notes that OSM also did not approve its removal in 1988, so OSM considers this correction typographical. Following Ohio's revisions, OAC 1501:13-9-07 remains as effective as the Federal regulations in meeting the requirements of the Act, and, therefore, OSM approves them.

OAC 1501:13-9-08 Protection of Underground Mining

Ohio added subsections (B) and (C) to this rule to create a two-hundred-foot distance limitation between underground mining operations and other active and abandoned underground mining operations, as well as from coal exploration drilling operations. Ohio made a corresponding revision to subsection (A) to clarify that subsection (A) regulates surface mining operations.

OSM Finding: Neither of Ohio's new provisions require our approval because they do not regulate activities subject to SMCRA and its implementing regulations. Subsection (B) regulates the underground activities of underground coal mining operations; it does not regulate the surface operations or surface effects of underground mines regulated by SMCRA. See 30 U.S.C. 1291(28). Subsection (C) regulates the distance that must remain between coal exploration drilling and underground coal mines. While SMCRA does regulate some components of coal exploration activities, see 30 U.S.C. 1262 and 30 CFR parts 772 and 815, the distance between coal exploration drilling and underground workings is not a component of the Federal program. Ohio's revisions to subsection (A), which reflects the Federal requirement for surface mining activities at 30 CFR 816.79, are merely editorial to distinguish it from subsections (B) and (C), and OSM approves them.

OAC 1501:13-9-15 Revegetation

Ohio revised subsection (F)(6), which requires that permanent vegetation that is established or reestablished on areas unavoidably disturbed in order to meet reclamation standards, or in the course of gaining access for the removal of sediment control structures, must have been seeded a minimum of twelve months before the request for phase III bond release. Ohio's revision to this subsection allows DMRM to determine that the 12-month requirement does not apply if the area of repair was limited in size and the permittee is in compliance with subsection (G)(3)(b), which is a standard of revegetation success requiring the ground cover to equal or exceed 90 percent and no single area with less than thirty percent cover shall exceed the lesser of three thousand square feet or 0.3 percent of the land affected.

OSM Finding: When OSM initially approved subsection (F)(6) and its related provisions in 1998, OSM explained that the 12-month minimum requirement should be sufficient to

establish a permanent and diverse vegetative cover as required by SMCRA because the lands typically involved will be small in size, widely dispersed, and surrounded by vegetative lands. *See* 63 FR 51829, 51831 (Sept. 29, 1998). OSM also explained that the 12-month minimum requirement in no way reduces or eliminates any of Ohio's standards for reclamation success or bond release. Both of these findings remain true for areas which DMRM relieves the operator from the 12-month requirement based on a determination that the area of repair is limited in size and complies with OAC 1501:13-9-15(G)(3)(b). Therefore, OSM finds that Ohio's revision does not render OAC 1501:13-9-15 any less effective than the Federal regulations at 30 CFR 816.116(c)(4) and 817.116(c)(4) at meeting the requirements of Sections 515(b)(19), (b)(20)(A) and (b)(20)(B) of SMCRA, and OSM approves it.

OAC 1501:13-9-17 Postmining Use of Land

Ohio revised subsection (D) to add two additional criteria that must be met for DMRM to approve an alternative postmining land use. Ohio added paragraph (2), which requires that the use not be impractical or unreasonable, and paragraph (7), that the use will not cause or contribute to violation of Federal, State, or local law.

OSM Finding: Ohio's proposed revisions to add these criteria make Ohio's regulation consistent with the Federal regulations at 30 CFR 816.133 and 817.133, which include the same requirements at subsections (c)(3)(i) and (iv) of each rule. Therefore, OSM approves Ohio's revisions to OAC 1501:13-9-17.

OAC 1501:13-11-02 Support Facilities and Utility Installations

Ohio revised subsection (C) to add to the list of utility installations to which coal mining operations must minimize damage, destruction or disruption of services, to include oil, gas, and water wells, water and sewage lines and telecommunication lines (in addition to telephone lines, which already existed in the regulation).

OSM Finding: Ohio's proposed revisions to include oil, gas and water wells, water and sewage lines, and telecommunications lines, make Ohio's regulation consistent with the Federal regulations at 30 CFR 816.80 and 817.180, which explicitly include those wells and lines. OSM also interprets "other telecommunication lines" to be a necessary and natural interpretation of the Federal requirement to include telephone lines. Therefore, OSM

approves Ohio's revisions to OAC 1501:13-11-02.

IV. Summary and Disposition of Comments

Public Comments

OSM asked for public comments on the amendment (Administrative Record No. OH-2194-01). The comment period closed on May 19, 2020. OSM did not receive any comments.

Federal Agency Comments

On February 27, 2017, pursuant to 30 CFR 732.17(h)(11)(i) and Section 503(b) of SMCRA (30 U.S.C. 1253(b)), OSM requested comments on the amendment from various Federal agencies with an actual or potential interest in the Ohio program (Administrative Record No. OH-2194-01). Comment letters received back from these other agency consultations are listed below.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), OSM is required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). By way of letter dated October 3, 2018, EPA determined that the proposed Ohio amendment does not pertain to programs under their purview and therefore there was no need for further EPA action.

Mine Safety and Health Administration Concurrence and Comments

By way of letter dated April 10, 2017, MSHA stated they had reviewed the proposed Ohio amendment and had no comment.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), OSM is required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On February 27, 2017, OSM requested comments on Ohio's amendment (Administrative Record No. OH-2194-01). OSM did not receive comments from the SHPO or ACHP.

V. OSM's Decision

Based on the above findings, OSM approves the Ohio amendments sent to us on November 30, 2015 (Administrative Record NO. OH-2194-01). To implement this decision, OSM is amending the Federal regulations at 30 CFR part 935 that codify decisions concerning the Ohio program. In

accordance with the APA, this rule will take effect 30 days after the date of publication.

VI. Procedural Determinations

Executive Order 12630—Governmental Actions and Interference With Constitutionality Protected Property Rights

This rule would not result in a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Order 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993 (OMB Memo M-94-3), the approval of state program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3(a) of Executive Order 12988. The Department has determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program or to the program amendment that the State of Ohio drafted.

Executive Order 13132—Federalism

This rule has potential Federalism implications as defined under Section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to “grant the States the maximum administrative discretion possible” with respect to Federal statutes and regulations administered by the States. Ohio, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves an amendment to the Ohio program submitted and drafted by the State, and thus, is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. OSM has evaluated this rule under the Department’s consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal government and Tribes. The basis for this determination is that our decision on the Ohio program does not include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program unless the Indian Tribe obtains primacy. The Department’s consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. OSM is currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

Consistent with Sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), state program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Thomas Koptchak,

Acting Regional Director, North Atlantic—Appalachian Region.

For the reasons set out in the preamble, 30 CFR part 935 is amended as set forth below:

PART 935—OHIO

■ 1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. In § 935.15, amend the table by adding an entry for “November 30, 2015” at the end of the table to read as follows:

§ 935.15 Approval of Ohio regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
November 30, 2015	October 26, 2026	OAC 1501:13–1–01, –02, –10, –13, –14; –3–01; –4–03, –04, –05, –08, –08.1, –09, –10, –12, –13, –14; –5–01; –6–03; –7–01, –03, –04(rescinded), –05, –05.1, –06, –07; –8–01; –9–01, –02, –07, –08, –11, –15, –16, –17; –10–01; –11–02; –12–01; –13–03; –14–01.

[FR Doc. 2026–21807 Filed 10–23–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SATS No. WY–055–FOR; Docket ID No. OSM–2025–0002; S1D1S SS08009000 SX064A000 278S180110; S2D2S SS08009000 SX064A000 27XS501520; S2R2B SS08009000 SX064A000 22XS50151]

Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approving

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Wyoming regulatory program (Wyoming program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The Wyoming Land Quality Division (WLQD) submitted this proposed amendment in response to our January 19, 2024 partial approval of an amendment to WLQD's regulations for coal exploration by drilling (SATS No. WY–050–FOR; Docket ID No. OSM–2021–0004). In the final rule, under the heading “Revisions to Wyoming’s Rules That We Are Not Approving,” OSM listed several provisions containing typographical errors that WLQD would need to correct through future rulemaking. WLQD now proposes those corrections with this amendment (SATS No. WY–055–FOR; Docket ID No. OSM–2025–0002).

DATES: The effective date is November 25, 2026.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 4100; Casper, Wyoming 82602. Telephone: (307) 261–6550. Email: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

II. Submission of the Amendment

III. OSM’s Findings

A. Minor Revisions to Wyoming’s Rules

IV. Summary and Disposition of Comments

V. OSM’s Decision

VI. Procedural Determinations

I. Background on the Wyoming Program

Section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with SMCRA and consistent with the Federal implementing regulations. See 30 U.S.C. 1253(a)(1) and (7); 30 CFR 730.5 and 732.15(a).

On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary’s findings, the disposition of comments, and conditions of approval in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning the Wyoming program and amendments thereto at 30 CFR 950.10, 950.12, 950.15, 950.16, and 950.20.

II. Submission of the Amendment

Between 1978 and 2007, the Wyoming State legislature enacted a number of revisions to its statutes governing coal exploration by drilling. The proposed statutory revisions reflected organizational updates at WLQD, corrected typographical errors, provided more detailed instructions for plugging and sealing drill holes, incorporated provisions for the awarding of attorney fees and other litigation costs, and included more detailed instructions for bond release. In addition to the statutory changes, on March 2, 2016, the Wyoming Environmental Quality Council approved several revisions to Chapter 14 of the Land Quality Division Coal Rules and Regulations governing coal exploration by drilling, which were last updated in 1998. Specifically, the rules were updated to include best management practices and standards adopted by the Wyoming State

Engineer’s Office that conform with accepted practices established by the American Society for Testing and Materials, the American Water Works Association, and the Wyoming DEQ—Water Quality Division regulations. Other revisions included a list of acceptable grout materials, requirements to plug and immediately cap the entire drill hole, additional identification numbers to facilitate inspections, and minor formatting and organizational changes. Accordingly, by letter dated June 4, 2021, the State proposed to OSM these statutory and regulatory changes on its own initiative.

On January 19, 2024, OSM approved, with exceptions, the WY–050–FOR amendment, effective February 20, 2024 (89 FR 3562). In the final rule, under the heading “Revisions to Wyoming’s Rules That We Are Not Approving,” OSM noted an inadvertent word-swap in the language proposed for chapter 14, subsection 3(a) addressing reclamation of drill sites and ancillary roads: specifically, the word “location” was used instead of the previously approved word “condition,” rendering the rule illogical. OSM also noted that WLQD, in referencing its own “Land Quality Division Coal Rules and Regulations” in the language proposed for chapter 14, subsections 3(c), 3(d), 3(e), and 4(d), omitted the word “Division” and that made the title of these regulations incomplete.

As laid out in the final rule, by letter dated October 24, 2023, OSM informed WLQD of these typographical errors and the need to correct them, while offering to delay rulemaking under WY–050–FOR to accommodate the corrections. WLQD responded by letter dated November 22, 2023, that, although they had taken the initial steps to address OSM’s concerns, the State’s internal rulemaking processes would preclude WLQD from making the corrections within the allowable timeframe. WLQD subsequently undertook rulemaking to correct the minor errors; the revised rules were approved by the Environmental Quality Council on October 23, 2024, filed with the Wyoming Secretary of State on January 3, 2025, and transmitted to OSM on January 22, 2025. In the January 22,

2025 revisions, WLQD included additional minor corrections noted during OSM's initial review of the original amendment and communicated to the State by email on July 27, 2021. Specifically, OSM pointed out that, in the language proposed for chapter 14, subsection 2(e)(iii), the word "part" was misspelled "peart;" at subsection 2(g), the punctuation directly after the first use of "shall" should probably have been a colon instead of a semicolon; and at subsection 2(h), the punctuation directly after the second use of the term "material" should probably have been a period instead of a comma.

During OSM's initial review of the January 22, 2025 revision package, OSM noticed a new typographical error that was introduced during the rulemaking to correct the previously identified errors. Specifically, in the required correction to chapter 14, subsection 3(e), in referencing its Land Quality Division Coal Rules and Regulations, WLQD transposed the words "Coal" and "Division" forming the incorrect title for these regulations as "Land Quality Coal Division Rules and Regulations." OSM communicated this discrepancy to WLQD which was able to make the correction using its own streamlined process for non-substantive changes that do not require formal rulemaking. Accordingly, on February 7, 2025, WLQD retransmitted a corrected copy of the January 22, 2025 submittal for OSM's review.

III. OSM's Findings

The following are the findings OSM made concerning the amendment under SMCRA and the Federal implementing regulations at 30 CFR 732.15 and 732.17. OSM is approving the amendment as described below. The full text of the approved amendment is available online at www.regulations.gov.

A. Minor Revisions to Wyoming's Rules

WLQD proposed minor spelling and grammatical and organizational changes to Chapter 14 of the Land Quality Division Coal Rules and Regulations. WLQD did not propose any substantive changes to the text of these previously approved regulations. Because the proposed revisions are minor and result in no substantive changes to the Wyoming program, OSM is approving the changes and find that they are no less effective than the corresponding Federal regulations at 30 CFR parts 700 to 887. The specific, minor revisions to the Code of Wyoming Rules are as follows:

- Chapter 14, subsection 2(e)(iii): spelling error ("peart" corrected as "part");

- Chapter 14, subsection 2(g): punctuation error (semicolon struck and replaced with colon);

- Chapter 14, subsection 2(h): punctuation error (comma struck and replaced with full stop);

- Chapter 14, subsection 3(a): word-swap ("location" struck and replaced with "condition");

- Chapter 14, subsection 3(c): word omission ("Division" inserted between "Quality" and "Coal");

- Chapter 14, subsection 3(d): word omission ("Division" inserted between "Quality" and "Coal");

- Chapter 14, subsection 3(e): word omission and transposition ("Coal" erroneously inserted between "Quality" and "Division"; Wyoming subsequently rectified this initial correction attempt by properly relocating "Coal" between "Division" and "Rules"); and

- Chapter 14, subsection 4(d): word omission ("Division" inserted between "Quality" and "Coal").

IV. Summary and Disposition of Comments

Public Comments

OSM asked for public comments on the amendment; three comments were received. One commenter submitted a poem about the virtues of "beautiful, clean coal." OSM thanks the poet for their time but finds the comment to be outside the scope of this rulemaking about proposed revisions to the Wyoming program. Another commenter expressed frustration with WLQD's typographical mistakes and broader concerns with the fossil fuel industry. The comments about the merits of companies that extract fossil fuels are outside the scope of this rulemaking, but OSM does agree with the commenter about the importance of proper spelling and grammar generally, and in the rulemaking arena specifically. However, typographical errors in proposed or final rulemakings are not grounds to require a State to "start over" and the Federal regulations at 30 CFR 732.17(h) allow for partial approvals of amendments and subsequent rulemakings to incorporate required revisions. Here, OSM and WLQD followed the process laid out at 30 CFR 732.17(h) by not approving earlier proposed rules that contained errors and correcting those errors in this proposed amendment.

The third commenter provided a variety of recommendations regarding OSM's Tribal engagement process for amendments, including: (1) conduct comprehensive legal and technical pre-approval reviews of all proposed amendments, with attention to how

changes affect Tribal interests; (2) implement mandatory Tribal consultation for all program amendments under SMCRA that involve shared watersheds, adjacent lands, or potential cultural resource impacts; (3) distribute plain-language summaries of proposed rule changes to Tribal Historic Preservation Officers (THPO) and Tribal environmental departments; and (4) institutionalize Tribal feedback into SMCRA implementation guidance for state program officials.

While the comment was focused on OSM's Tribal engagement process for amendments generally, which is outside the scope of this rulemaking, OSM addresses the suggestions for this proposed amendment specifically. With respect to the first recommendation, these steps are already integrated into OSM's review process: *see* OSM Directive 979 entitled, "REG-18," which implements Executive Order 13175, Presidential Memorandum on Tribal Consultation dated November 9, 2009, and Secretarial Order 3317; OSM Standard Operating Procedure 3000-01; and Department of the Interior Departmental Manual part 512, chapters 4 and 5. With respect to the second recommendation, OSM reached out to 42 federally recognized Tribes with an actual or potential interest in the Wyoming program by electronic and hard copy letter dated October 7, 2025. OSM did not receive any substantive comments or requests for consultation or further discussion on the amendment in response to this letter. With respect to the third recommendation, OSM always strives to write in plain language, as required by the Plain Writing Act of 2010, and incorporated this practice as part of OSM's October 7, 2025 Tribal consultation initiation letter. Finally, the fourth recommendation is outside the scope of this rulemaking but OSM conveyed the recommendation to the Program Support Directorate, which has responsibility for the development of guidance for state program implementation at OSM.

Federal Agency Comments

On March 13, 2025, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, OSM requested comments on the amendment from various Federal agencies with an actual or potential interest in the Wyoming program. OSM did not receive any comments.

V. OSM's Decision

Section 503(a) of SMCRA requires that the State program demonstrate the State has the capability of carrying out the provisions of SMCRA and meeting

its purposes. SMCRA requires consistency between State and Federal standards. Based on the above findings, OSM approves the Wyoming amendment submitted on February 7, 2025. To implement this decision, OSM is amending the Federal regulations at 30 CFR 950.15 that codify decisions concerning the Wyoming program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Procedural Determinations

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not effect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review, 13563—Improving Regulation and Regulatory Review

Executive Order 12866, as amended by Executive Order 13563, provides that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its proposed legislation and regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of

this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program or to the program amendment that the Cabinet proposed.

Executive Order 13132—Federalism

This rule is not a “[p]olicy that [has] federalism implications” as defined by section 1(a) of Executive Order 13132 because it 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.” Instead, this rule approves an amendment to the Wyoming program submitted and drafted by that State. OSM reviewed the submission with fundamental federalism principles in mind as set forth in sections 2 and 3 of the Executive Order and with the principles of cooperative federalism set forth in SMCRA. *See, e.g.*, 30 U.S.C. 1201(f). As such, pursuant to section 503(a)(1) and (7) (30 U.S.C. 1253(a)(1) and (7)), OSM reviewed the program amendment to ensure that it is “in accordance with” the requirements of SMCRA and “consistent with” the Federal implementing regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. By electronic and hard copy letter dated October 7, 2025, and in line with the Department's consultation policy and Executive Order 13175, OSM invited 42 federally recognized Tribes with an actual or potential interest in the Wyoming program to consult on the amendment. OSM did not receive any substantive comments or requests for consultation or further discussion on the amendment in response to this letter.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy.

Because this rule is exempt from review under Executive Order 12866 and is not a significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d)) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Director of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined to not constitute a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined to not impose an unfunded mandate. Therefore, a statement containing the information

required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, surface mining, underground mining.

Jeffrey Fleischman,
Acting Regional Director, Interior Regions 5,
7–11.

For the reasons set out in the preamble, 30 CFR part 950 is amended as set forth below:

PART 950—WYOMING

- 1. The authority citation for part 950 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*
- 2. In § 950.15, amend the table by adding an entry for “February 7, 2025” at the end of the table to read as follows:

§ 950.15 Approval of Wyoming regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* February 7, 2025	* October 26, 2026	* LQD Rules, Ch XIV, §§ 2(e)(iii), 2(g), 2(h), 3(a), 3(c), 3(d), 3(e), 4(d) Minor typographical corrections.

[FR Doc. 2026–21835 Filed 10–23–26; 8:45 am]
BILLING CODE 4310–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; FCC 26–67; FR ID 373556]

Enhancing the Ability of Consumers To Control the Robocalls

AGENCY: Federal Communications Commission.
ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) modifies rules to ensure that consumers can revoke consent for robocalls they no longer wish to receive while continuing to receive those they still want. We also modernize our rules to ensure that consumers have clear, simple, and automated ways to revoke consent while streamlining callers’ ability to process revocations. Specifically, we allow callers to interpret a revocation request as applying only to the specific category of informational robocalls to which the revocation was directed, allow callers to designate an exclusive means to revoke consent, and amend the exemption from the consent requirement for financial institutions to allow them to more easily alert customers to fraudulent activity on their account. In addition, we delegate authority to the Consumer and Governmental Affairs Bureau (CGB) in consultation with the Enforcement Bureau (EB) to review our robocall rules to ensure that those rules are clear and easy to read.

DATES: Effective November 25, 2026.
FOR FURTHER INFORMATION CONTACT: Contact Richard D. Smith
Richard.Smith@fcc.gov, Consumer and Governmental Affairs Bureau, (717) 338–2797. For information regarding the Paperwork Reduction Act (PRA) information collection requirements contained in the PRA, contact Cathy Williams *Cathy.Williams@fcc.gov*, Office of Managing Director, (202) 418–0918.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order (*Order*) in CG Docket No. 02–278; FCC 26–67, adopted September 30, 2026 and released on October 1, 2026. The full text of this document is available for public inspection during regular business hours at Commission’s headquarters 45 L Street NE, Washington, DC 20554 or at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-26-67A1.pdf>.

To request material in accessible formats for people with disabilities (*e.g.*, Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.*, accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the Commission’s Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

I. Discussion

A. Ensuring Consumers Get the Calls They Want

We modify our rules to allow callers to interpret a revocation request as

applying only to the specific category of informational robocalls to which the revocation was directed and not all robocalls. In so doing, we conclude that a requirement to treat a revocation request made in response to one type of informational robocall as applicable to all future robocalls unduly restricts consumers’ ability to receive other wanted calls. We emphasize that this specific modification affects only informational robocalls.

We agree with a broad range of commenters representing various industries and consumer groups that the current “revoke all” rule does not align with consumer expectations and poses significant risks to the delivery of essential information. Specifically, we conclude that this requirement is overinclusive and may lead to unintended consequences that do not align with the consumer’s actual intent. For example, if a consumer revokes consent in response to payment reminders under the current rule interpretation the caller must stop all future robocalls on unrelated matters such as fraud alerts, multi-factor authentication, appointment reminders, or utility outage calls even if that was not the consumer’s will. The record suggests that this is often not consistent with the consumer’s intent. In fact, consumers may not even be aware that by revoking consent with respect to one category of informational messages, they are revoking consent to all messages from that caller.

We conclude that the better reading of the TCPA permits consumers to avoid an all-or-nothing revocation by opting out of only those categories of informational robocalls they do not wish to receive while continuing to

receive desired communications. This flexibility allows consumers greater control over robocalls while ensuring that critical, time-sensitive communications are not inadvertently stopped by the consumer. In addition, this approach addresses the concerns of utility companies that revocation requests will inadvertently extend to communications that they are legally required to make by limiting the scope of revocation only to the specific category of robocall to which they were directed. We note that one party has expressed opposition in an *ex parte* filing arguing that the revisions make compliance more complex. For the reasons discussed herein, however, we conclude that the industry and consumer group support is persuasive evidence that it does not.

Currently some callers may also empower consumers to make more granular choices about the types of informational calls they wish to receive, including providing them with the option to revoke consent for all robocalls and text messages requiring consent. Some commenters request that we mandate a means by which consumers may revoke consent to all robocalls from a particular caller. One commenter expresses concern, however, with the potential compliance burdens entailed by requiring callers to provide a revoke all method. Therefore, we seek further comment in the Further Notice of Proposed Rulemaking published elsewhere in the **Federal Register** to inform the record on whether the benefits to consumers from requiring callers to provide a one-step means to revoke consent to all future robocalls outweigh the potential compliance burdens.

Revocation requests made in response to robocalls that contain an advertisement or constitute telemarketing revoke consent to all future robocalls containing an advertisement or that constitute telemarketing from that caller. Such calls constitute a specific category of communication for which there are no exemptions to the prior express consent requirement. As a result, consumers need only make a single revocation request to revoke consent to all future telemarketing robocalls from any caller. In that regard, we remind telemarketers that our rules require that a residential subscriber's do-not-call request shall apply to the particular entity making the call (or on whose behalf a call is made), as well as affiliated entities if the consumer reasonably would expect them to be included.

B. Giving Consumers Clear, Simple, and Automated Ways To Revoke Consent

We modify our rules to allow callers to designate an exclusive means by which consumers may revoke consent instead of requiring callers to honor all revocation requests made "using any reasonable method," as currently provided in § 64.1200(a)(10) of the Commission's rules. Specifically, we conclude that callers may designate any of the three methods currently described in the second sentence of § 64.1200(a)(10) of the Commission's rules as the exclusive means to make revocation requests. This approach adequately ensures that a simple, automated, easily understood method for revocation is readily available to consumers to revoke consent while streamlining the ability of callers to process such requests and reducing compliance burdens. In addition, this ensures that callers will not demand revocations to be made by unduly complex, difficult, or cumbersome methods that could prevent or deter consumers from revoking consent effectively.

As a result, callers may designate an exclusive revocation method that requires: (1) using an automated, interactive voice or key-press activated opt-out mechanism in response to a robocall, (2) using specific standardized words in response to an incoming text, and/or (3) using a website or telephone number provided by the caller to process opt-out requests, so long as the caller clearly and conspicuously discloses the designated method for revoking consent on the call or in the text. Callers that designate any of these three exclusive means to revoke consent will not be required to process revocation requests made by any other means. Any caller that does not designate one of the methods listed in § 64.1200(a)(10) of the Commission's rules as the exclusive means to revoke consent must continue to process revocation requests when made in any reasonable manner.

We agree with both industry and consumer groups that the designated use of these methods ensures that consumers can easily revoke consent while allowing callers to use cost effective, automated systems to process all incoming revocation requests. This approach also provides clarity by eliminating the need to determine on a case-by-case basis whether a "reasonable means" is used to revoke consent. We also agree with industry and consumer groups who contend that callers that designate an exclusive method to revoke consent should

disclose that method on calls and in messages. This ensures that callers inform consumers of the designated revocation method. We therefore decline the request to allow callers to determine when and how to inform customers of the designated method. We agree with commenters, however, that requiring text senders to include all seven standardized words in a text message when designating a reply text as the exclusive means to revoke consent would make disclosures unnecessarily lengthy given the character limitations of text messages. As a result, we clarify that text senders can satisfy the disclosure requirement by disclosing even just one of the standardized words in each text message. For example, by indicating that recipients can revoke consent by responding "stop." But text senders still must honor revocation requests made using any of the standardized words as our rules recognize these as commonly used words to reflect a clear and unmistakable desire to revoke consent.

In addition, we agree with industry and consumer groups that allowing callers to designate an automated revocation method as the exclusive means to revoke consent will incentivize more callers to make available such revocation methods and avoid delays inherent in manually processing revocation requests that result when made by non-designated methods. We disagree with the commenter who argues that callers that are regulated by another agency when communicating with consumers should be allowed to designate any such revocation method established by that agency's regulations as the exclusive means to revoke consent. While certain callers may be subject to such requirements, the record in this matter does not provide sufficient confirmation of the consumer protections afforded by these alternative methods to conclude that callers can designate such methods as the exclusive method for revoking consent.

We emphasize that this rule modification does not alter the existing opt-out methods specified in our rules for calls made pursuant to an exemption or that include an advertisement or constitute telemarketing. For example, § 64.1200(b)(3) of the Commission's rules requires calls made pursuant to an exemption in § 64.1200(a)(3)(ii) through (v) of the Commission's rules or that use an artificial or prerecorded voice that introduces an advertisement or constitutes telemarketing to provide an automated, interactive voice- and/or key press-activated opt-out mechanism to make a do-not-call request. Callers

subject to these requirements must comply with these obligations and utilize the opt-out method specified in our rules.

C. Revisiting Fraud Alert Restrictions

We amend the exemption for financial institutions to initiate certain informational robocalls to wireless numbers without prior consent by modifying the condition limiting financial institutions to communicating only with those customers using a telephone number they provided directly to that financial institution. Specifically, we agree with commenters that exempted communications should be allowed when the wireless number is obtained from a reliable source. We conclude that a “reliable source” in this context includes a telephone number: (i) supplied by a spouse or other family member who is authorized to be on the account; (ii) obtained when the customer calls the institution; or (iii) included in the records obtained from another financial institutions.

We agree with commenters that the current condition limiting financial institutions to communicating only with those customers who have provided their telephone numbers to that financial institution unduly restricts the ability to communicate important, often time-sensitive information to customers. This includes communications related to transactions and time sensitive events informing consumers of a risk of fraud or identity theft. For similar reasons, we grant ABA’s 2015 petition for reconsideration to the extent that it requests that the Commission revisit the provided number condition.

We conclude that this modification enhances the ability of financial institutions to communicate critical information under the exemption without infringing upon consumer privacy rights. In this regard, we encourage financial institutions to make use of resources such as the Reassigned Numbers Database (RND) to prevent calls being misdirected from someone who previously held that phone number. In addition, we emphasize that financial institutions making use of this exemption must honor opt-out requests from consumers to ensure that they are calling only those parties that wish to receive such communications. When combined with other conditions imposed on this exemption, such as a numerical limitation on the number of calls and messages that can be made pursuant to the exemption, we believe that modifying this condition does not adversely affect consumer privacy interests while promoting the ability of financial institutions to communicate

important information to their customers and others authorized on the account.

D. Improving the Organization and Readability of the Robocall Rules

We delegate authority to CGB in consultation with the Enforcement Bureau to review the rules contained in § 64.1200 of the Commission’s rules to ensure that those rules are clearly organized and comprehensible, invite comment at a later date on proposed changes, and issue an order implementing these changes to make these rules more transparent and easier to understand. This rule section contains numerous robocall and call blocking-related rules adopted and revised over the last three decades as part of our ongoing effort to implement the TCPA and protect consumers from illegal robocalls. As a result, these rules have grown increasingly lengthy and dense. The substance of these rules will not be changed on delegated authority, instead the goal is to recast them where appropriate in plain language so as to give regulated entities, as well as the broader public, a better grasp of what is required, what is permitted, and what is prohibited under these rules. We make clear that substantive changes to these rules are excluded from this delegation of authority. We believe such revisions to make the rules easier to understand can enhance compliance, reduce transaction costs, and make it easier to identify and report violations.

E. Effective Date

The revised rule amendments contained herein become effective November 25, 2026. As a result, the rule modification to § 64.1200(a)(10) of the Commission’s rules will go into effect at that time and supersede the delayed effective date of the relevant portion of that rule that was previously extended to January 31, 2027. We decline the request of one party to extend the effective date up to 12 months after **Federal Register** publication to ensure that callers can begin utilizing the modernized consent methods as soon as possible.

F. Cost and Benefit Analysis

Although robocalls are most commonly associated with illegal calls that defraud and annoy consumers, and are consistently a top consumer complaint, the term includes a wide array of calls, many of which are legal and benefit consumers. For example, robocalls are used to communicate time sensitive information such as fraud alerts, appointment reminders, school closings, power outages, and public

safety notifications. The efficient provision of such information via robocalls provide consumers with substantial financial, health, and safety benefits by ensuring that consumers receive critical information that allows them to take time-sensitive actions in response to such communications. As a result, the right to grant and revoke consent to receive robocalls is fundamental to empowering consumers to manage those calls they wish to receive. Unduly restricting a consumers’ ability to receive the calls they wish to receive is detrimental to this goal.

The rule modifications contained herein enhance the ability of consumers to decide which robocalls that they wish to receive by ensuring that they have easy access to simple methods to revoke consent for those robocalls that they do not wish to receive while allowing them to continue receiving important information from financial institutions, health care providers, and utilities. While some consumers may be required under our modified rules to make more than one revocation request in response to informational robocalls, we believe this burden is minimal and offset by the benefits of the approach adopted herein. In so doing, we also streamline existing requirements such as by allowing callers the option to designate the exclusive method to be used for revoking consent to ensure that such request can be efficiently processed by automated means rather than requiring callers to process all revocation requests made in a reasonable manner. We impose no new compliance obligation. We therefore conclude that benefits of the rule modifications contained herein to both consumers and industry, as supported by a wide variety of commenters including consumer groups, financial institutions, health care organizations, and utilities, substantially outweigh any costs.

G. Legal Authority

The Commission has legal authority to take the actions contained herein pursuant to sections 1–5, and section 227 of the Communications Act of 1934, as amended.

II. Procedural Matters

H. Paperwork Reduction Act Analysis

This document contains non-substantive modifications to approved information collections that have been reviewed and approved by the Office of Management and Budget (OMB) pursuant to OMB’s non-substantive modification process. Because these modifications are non-substantive, they do not impose any new or modified

information collection burdens on the public subject to the Paperwork Reduction Act of 1995, Public Law 104–13.

I. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule and policy changes contained in the Report and Order on small entities.

J. Congressional Review Act

The Commission sent a copy of document FCC 26–67 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the 2025 TCPA FNPRM, released in October 2025. The Commission sought written public comment on the proposals in the FNPRM, including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Report and Order

The Commission receives more complaints about illegal robocalls that defraud and annoy consumers than any other issue, and we have taken a variety of measures to protect consumers from such calls. At the same time, many robocalls provide critical, time-sensitive information—such as medical appointment reminders or fraud alerts—that many consumers want to receive. The Commission believes that the right to grant and revoke consent to receive robocalls is fundamental to empowering consumers to manage the calls that they

wish to receive, and unduly restricting the public’s ability to receive the calls they wish to receive is detrimental to this goal.

This *Order* modernizes our rules to ensure that consumers have simple, clear, automated and accessible ways to revoke consent for those calls they no longer want while ensuring they continue to get those they do, while helping callers process these requests efficiently and with reduced compliance burdens. In addition, we also delegate authority to CGB to review our robocall rules to ensure those rules are comprehensible to the public, all interested parties, and small business entities.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

No comments were filed in response to the IRFA addressing the impact of the proposed rules on small entities. Several commenters expressed support for the rules modification contained herein due, in part, to the reduction in compliance burdens associated with eliminating or streamlining our existing rules. Specifically, commenters argue that applying revocation requests made in response to one type of informational robocalls to all future communications and being required to process revocation requests made by any reasonable means as required under our existing rules instead of designating the exclusive means to revoke consent places significant burdens on callers.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an

estimate of the number of small entities that may be affected by the adopted rules. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and are not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules adopted in the *Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	1,184	1,081	91.30
Commercial Banks	522110	\$850 million in assets	3,917	2,897	73.96
Credit Unions	522130	\$850 million in assets	4,411	3,671	83.22
Savings Institutions and Other Depository Credit Intermediation.	522180	\$850 million in assets	569	375	65.91
Sales Financing	522220	\$47 million	2,180	1,690	77.52
Consumer Lending	522291	\$47 million	2,918	2,292	78.55
Mortgage and Nonmortgage Loan Brokers.	522310	\$15 million	4,603	3,966	86.16
Offices of Real Estate Agents and Brokers.	531210	\$15 million	150,558	100,559	66.79
Marketing Consulting Services	541613	\$19 million	50,507	34,127	67.57
Other Services Related to Advertising.	541890	\$19 million	7,067	4,850	68.63
Facilities Support Service	561210	\$47 million	2,941	2,402	81.67
Telemarketing Bureaus and Other Contact Centers.	561422	\$25.5 million	2,380	1,798	75.55
Collection Agencies	561440	\$19.5 million	2,549	1,827	71.68
Schools	611110	\$20 million	14,088	14,087	99.99
Offices of Physicians Except Mental Health Specialists.	621111	\$16 million	138,120	104,486	75.65
Offices of All Other Miscellaneous Health Practitioners.	621399	\$10 million	29,775	18,206	61.15
General Medical and Surgical Hospitals.	622110	\$47 million	2,280	501	21.97
Business Associations	813910	\$15.5 million	14,599	13,134	89.97

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2025 Universal Service Monitoring Report telecommunications service provider data (data as of December 2024)	SBA size standard (1,500 employees)		
	Total number FCC Form 499A filers	Small firms	Percent small entities
Affected entity			
Competitive Local Exchange Carriers (CLECs)	4,049	3,853	95.16
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	920	78.30
Interexchange Carriers (IXCs)	112	92	82.14
Local Exchange Carriers (LECs)	5,224	4,773	91.37
Operator Service Providers (OSPs)	26	24	92.31
Other Toll Carriers	72	69	95.83
Paging & Messaging	56	56	100.00
Payphone Service Providers	25	24	96.00
Prepaid Card Providers	47	45	95.74
Telecommunications Resellers	655	630	96.18
Wired Telecommunications Carriers	4,971	4,531	91.15
Wireless Telecommunications Carriers (except Satellite)	608	522	85.86
Wireless Telephony	336	262	77.98

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

This *Order* modernizes our rules to ensure that consumers have simple, automated and accessible ways to revoke consent for those calls they no longer want while ensuring they continue to get those they do, while helping callers process these requests efficiently and with streamlined compliance burdens. In addition, we eliminate outdated rules and delegate authority to CGB to review our robocall rules to ensure those rules are comprehensible to interested parties.

We impose no new reporting, recordkeeping or other compliance requirements on small entities. Rather, we eliminate and streamline existing rules to reflect changes in technologies and industry practices to allow small entities to more efficiently process revocation requests.

F. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to provide “a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”

In this *Order* we take steps to modernize our rules to ensure that consumers have easily accessible ways to revoke consent. We have eliminated and streamlined requirements to make the processing of revocation requests more efficient. For example, we modify our rules to allow callers to interpret a revocation request to apply only to the specific category of informational robocalls to which the revocation was directed and not all communications. This modification streamlines the ability to process revocation requests. We also modify our rules to allow callers to designate the exclusive means to process revocation requests making it clearer to consumers how to request such revocations and easier for callers to process such requests by allowing callers to avoid processing incoming revocation requests made through other methods. These modifications minimize the economic impact of our existing rules on small entities by streamlining those rules.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and Recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

■ 2. Amend § 64.1200 by revising paragraphs (a)(9)(iii)(A), (10), (11), and (12) to read as follows.

§ 64.1200 Delivery restrictions.

- (a) * * *
- (9) * * *
- (iii) * * *

(A) Voice calls and text messages must be sent only to the wireless telephone number(s) provided by the customer of the financial institution or obtained from a reliable source. In this context, a wireless telephone number obtained from a reliable source means a wireless telephone number: supplied by a spouse or other family member who is authorized to be on the account; obtained when the customer calls the financial institution; or included in records obtained from another financial institution.

* * * * *

(10) A called party may revoke prior express consent, including prior express written consent, to receive calls or text messages made pursuant to paragraphs (a)(1) through (3) and (c)(2) of this section. Callers may designate any of the following methods as the exclusive means to revoke consent:

- (i) an automated, interactive voice or key press-activated opt-out mechanism on a call;
- (ii) replying to an incoming text message with any one of the following standardized words: “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe”; and/or

(iii) pursuant to a website or telephone number designated by the caller to process opt-out requests. The caller must clearly and conspicuously disclose the designated method to revoke consent on the call or in the text. Text senders that designate a reply text message as the exclusive means to revoke consent can satisfy the disclosure obligation by including at least one of the standardized words contained in paragraph (a)(10)(ii) of this section in each text message so long as the text sender recognizes the use of any of the standardized words as a valid revocation request. Any caller that designates any of the methods identified above as the exclusive means to revoke consent is not required to process revocation requests made by any other means. Callers may interpret a revocation request made in response to an informational call or text message (*i.e.*, a call or text message that does not contain any advertising or telemarketing) as applying only to the specific category of informational robocalls and text messages to which the revocation was directed and not to all communications. Revocation

requests made in response to calls or text messages that contain an advertisement or constitute telemarketing revoke consent to all future calls or text messages containing an advertisement or constitute telemarketing from that caller. Should the text initiator choose to use a texting protocol that does not allow reply texts, it must provide a clear and conspicuous disclosure in each text to the consumer that two-way texting is not available due to technical limitations of the texting protocol, and clearly and conspicuously provide in each text reasonable alternative ways to revoke consent. All requests to revoke prior express consent or prior express written consent made in the manner described above must be honored within a reasonable time not to exceed ten business days from receipt of such request.

(11) Callers that do not designate an exclusive means to revoke consent pursuant to paragraph (a)(10) of this section must process revocation requests made by any reasonable means. The use of any means to revoke consent not listed in paragraph (a)(10) of this section creates a rebuttable presumption that the consumer has revoked consent when the called party satisfies their obligation to produce evidence that such a request has been made, absent evidence to the contrary. In those circumstances, a totality of circumstances analysis will determine whether the caller can demonstrate that a request to revoke consent has not been conveyed in a reasonable manner. All requests to revoke prior express consent or prior express written consent made in the manner described in this paragraph must be honored within a reasonable time not to exceed ten business days from receipt of such request.

(12) A text message confirming a request to revoke consent from receiving any further calls or text messages does not violate paragraphs (a)(1) and (2) of this section as long as the confirmation text merely confirms the text recipient’s revocation request and does not include any marketing or promotional information. If the confirmation text is sent within five minutes of receipt, it will be presumed to fall within the consumer’s prior express consent. If it takes longer, however, the sender will have to make a showing that such delay was reasonable.

* * * * *

[FR Doc. 2026–21821 Filed 10–23–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 79**

[CG Docket No. 05–231, GN Docket No. 25–133; FCC 26–57; FR ID 373564]

Closed Captioning of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) exempts video programmers for public, educational, and governmental access (PEG) channels from the requirement to register with the Commission and to certify captioning compliance if the PEG video programmers provide video programming exclusively to PEG channels that are exempt from closed captioning requirements. Additionally, providers of PEG programming are relieved of filing obligations if the administrators of non-exempt PEG channels certify compliance for programming carried on such channels. The Commission similarly exempts providers of programming carried on nonbroadcast networks for distribution by a cable operator or other multichannel video programming distributor (MVPD) from certifying when the nonbroadcast network itself certifies that it is exempt or that all programming comprising the network's linear line-up is either exempt from or compliant with the closed captioning rules.

DATES: Effective November 25, 2026, except for amendatory instruction 3 (47 CFR 79.1(i)(4) and (m)(6)), which is delayed indefinitely. The Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Joshua Mendelsohn, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 559–7304 or Joshua.Mendelsohn@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc.; Delete, Delete, Delete, Report and Order (*Order*) in CG Docket No. 05–231 and GN Docket No. 25–133, document FCC 26–57, adopted on August 21, 2026, and released on August 25, 2026. The full text of this document is available online at <https://www.fcc.gov/document/fcc-amends-closed-captioning-rules-video-programmers>.

Paperwork Reduction Act Analysis: The *Order* contains modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public to comment on the information collection requirements contained in the *Order*, as required by the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The Commission will publish a separate document in the **Federal Register** announcing approval of the information collection requirements. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002 (SBA), Public Law 107–198, it previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. 89 FR 63135, August 2, 2024.

Congressional Review Act: The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. 804(2). The Commission sent a copy of the *Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

1. Section 713 of the Communications Act (the Act) directs the Commission to ensure that video programming is fully accessible through the provision of closed captioning. 47 U.S.C. 613(b). All new, non-exempt English- and Spanish-language video programming, and 75 percent of non-exempt pre-rule video programming, must be captioned. Video programming or a video programming provider is exempt from the Commission's captioning rules if it (1) falls into one of twelve categorical, *i.e.*, self-implementing, exemptions, or (2) the provider has been granted an individual exemption from the closed captioning obligations after showing that providing captions would be economically burdensome. Captioning exemptions may apply on a channel-wide or program-by-program basis.

2. The Commission initially assigned primary responsibility for the provision of closed captioning on television programming to video programming distributors (VPDs). In 2014, the Commission amended its television captioning rules to add requirements governing the quality of captions. The Commission allows a VPD to satisfy in part its obligations under the captioning quality rules by ensuring that each

video programmer whose programming it carries has certified its compliance with the Commission's closed captioning rules. Pending the implementation of caption quality certifications by video programmers, VPDs are required to use “best efforts” to obtain certifications of caption quality compliance from their programming suppliers.

3. In 2016, the Commission took further steps of: placing captioning obligations on video programmers, as well as VPDs; and apportioning responsibility for caption quality between VPDs and video programmers. In addition, to ensure that video programmers can be held accountable for satisfying their captioning obligations, the Commission adopted requirements for each video programmer to register with the Commission and certify compliance with the captioning rules. Video programmers are required to register and submit certifications of compliance to the Commission once a compliance date is published in the **Federal Register**.

4. A petition filed in August 2016, requested that the closed captioning registration and certification requirements be waived for program producers that provide programs exclusively to PEG channels. PEG channels are authorized by section 611 of the Act, which permits cable franchising authorities to “establish requirements in a franchise with respect to designation or use of channel capacity for public, educational, or governmental use.” PEG programming is provided by more than 1.2 million volunteers and more than 250,000 community groups across the United States, including “ordinary citizens and organizations—Cub Scouts, gospel choirs, political candidates, and community groups of every possible type,” and the vast majority of PEG channels are exempt from the Commission's captioning rules.

5. In comments on the Petition, a commenter raised related concerns as to the need for owners of programs included in linear program networks distributed by MVPDs to register and certify compliance with the captioning rules. The programmer certification requirement was intended to address a potential gap in captioning responsibility in cases where owners of video programming may distribute programming to third parties; and no such gap arises when the non-broadcast network itself certifies compliance with the captioning rules.

6. In July 2024, the Commission released a *Further Notice of Proposed*

Rulemaking (PEG FNPRM), published at 89 FR 63135, August 2, 2024, proposing that the filing requirements under the closed captioning and certification rules would not apply to video programmers that provide video programming exclusively to a PEG channel for which the channel administrator certifies that the channel is exempt from the closed captioning requirements. In addition, the Commission proposed that captioning registration and certifications shall not apply to programming carried on nonbroadcast networks for distribution by a cable operator or other MVPD, if the network itself certifies that it is exempt or that all programming comprising the network's linear line-up is either exempt from or compliant with the closed caption rules.

7. *Registration and Certification—PEG Channels.* The Commission amends its rules to provide that video programmers providing programming exclusively to PEG channels are not required to register with the Commission and file certifications of compliance if the PEG channel administrators certify that the entire channels are exempt. Requiring each of thousands of individual video programmers to certify to the same exemptions claimed by their channel administrators imposes duplicative and needlessly burdensome paperwork. Where the PEG channel administrator files the required contact information and a certification attesting to the channel's exemption from the captioning rules, consumers will have access to the information intended by the certification requirement, and the Commission will have sufficient documentation to ensure accountability for compliance with its rules.

8. The record indicates that it is reasonable to expect that the administrators of most exempt PEG channels can certify that the channel is exempt. In instances where a channel administrator does not register and certify, individual video programmers are obligated to comply with the registration and certification requirements.

9. The Commission further amends the captioning rule to provide that, if a PEG channel is not entirely exempt, video programmers on that channel are not required to register and certify compliance if the channel administrator certifies that all programming carried on the channel is either compliant or exempt. Although it seems that there are few, if any, non-exempt PEG channels, the Commission concludes that the same rationale for allowing administrators to certify for exempt PEG channels is applicable to non-exempt channels—*i.e.*, to the extent that the

administrator can certify on behalf of the entire channel, such certification will avoid imposing needless, duplicative paperwork on video programmers. In instances where a channel administrator does not register and certify, individual video programmers retain their obligations to comply with the registration and certification requirements.

10. These rule changes do not alter any video programmer's substantive captioning obligations. Programming that is exempt from captioning will continue to be exempt, and providers of non-exempt programming will continue to be required to provide captioning. The amended rules also do not change the requirement that certifications of compliance or exemption be filed for all programming carried on PEG channels. They merely minimize unnecessary and duplicative paperwork. By ensuring that neither PEG programmers nor agency staff are burdened with unnecessary paperwork, the Commission makes implementation of the rules more efficient, and thereby advance the Commission's overarching goal of ensuring that all non-exempt programming is captioned in compliance with the Commission's standards. Therefore, the Commission finds today's action to be fully consistent with the Commission's longstanding commitment to ensure the accessibility of video programming through the provision of closed captioning.

11. *Nonbroadcast Network Programming.* Under the Commission's captioning rules, nonbroadcast networks are "video programmers" and must register with the Commission and annually certify either that the network itself is exempt or that each of the programs comprising its channel line-up is compliant with (or exempt from) the captioning rules. In light of these existing registration and certification requirements for nonbroadcast networks, the Commission concludes that it would be unnecessarily duplicative for potentially thousands of program owners that supply programming exclusively to nonbroadcast networks to also register and file annual certifications with the Commission for the same programming addressed in the networks' filings.

12. To alleviate this burden, the Commission amends its rules to provide that closed captioning registration and certification requirements will not apply to video programmers that provide or license video programming exclusively to a nonbroadcast network for distribution by a cable operator or other MVPD, if the network has registered and

filed a certification with the Commission confirming that either the network itself is exempt or all programming comprising its linear line-up is compliant with or exempt from captioning obligations. However, if a nonbroadcast network does not file a certification, each video programmer that provides programming on such network will remain subject to the registration and certification requirements. Nonbroadcast networks "often employ contractual provisions or other mechanisms to hold their suppliers (*i.e.*, program owners) accountable for working with the network to ensure captioning compliance." The Commission clarifies that the rules adopted in the *Order* are not intended to disturb or interfere with any agreements between programming owners and nonbroadcast networks to ensure captioning compliance.

13. The Commission directs the Consumer and Governmental Affairs Bureau (CGB or Bureau), pursuant to its delegated authority to oversee the development of a certification and registration form and database, to consider ways to minimize the burden for providers, including providers that control multiple program networks, to submit their registration and certification information in accordance with its obligations under the PRA and the SBA.

A commenter asks the Commission to declare that any procedural matters affecting MVPDs should equally apply to virtual MVPDs (vMVPDs). This is beyond the scope of this proceeding, which concerns the Commission's registration and certification requirements related to closed captioning of televised video programming. In the Twenty-First Century Communications and Video Accessibility Act, Congress established separate guidelines for traditional television distribution and IP-delivered video programming. The Commission therefore declines to consider this request here.

14. *Costs and Benefits.* Thousands of video programmers provide programming to PEG channels and nonbroadcast networks. Under current rules, once the Commission sets up its database to accept their filings, these programmers must provide contact information and certify that their programming is compliant with the closed captioning rules or exempt from them each year. The *Order* amends the closed captioning rules so that such programmers need not file this information if the PEG channel administrator or nonbroadcast network itself registers its contact information

and certifies channel-wide exemption from or compliance with the closed captioning rules. Because nonbroadcast networks are already required to file this information and certification, the Commission expects they will do so and individual nonbroadcast network programmers will not need to file with the Commission.

15. Further, following this rule change, the Commission expects that PEG channel administrators will provide the information and certification for the entire channel so that individual PEG video programmers will not need to file with the Commission. Making these assumptions, the Commission estimates that about 290,000 programmers would save about 30 minutes of time per year. Using a value of time of about \$17 per hour, the Commission estimates that this would save \$2.43 million annually. PEG channel administrators, however, would incur the cost of filing contact information and certifying compliance with, or exemption from, the closed captioning rules.

16. The Commission estimates that about 1,700 channel administrators would be required to file contact information and make a certification. Because the Commission expects nearly all PEG channels are exempt from the closed captioning requirements, the Commission expects this will take about 30 minutes annually and will therefore cost about \$14,238. Therefore, the net cost savings from this rule change are expected to be \$2.41 million. This change is not expected to affect the quality of closed captioning because

providers of non-exempt programming would be relieved only from filing requirements, not the underlying obligation to provide captioning in accordance with quality standards.

Final Regulatory Flexibility Analysis

17. As required by the Regulatory Flexibility Act of 1980, as amended, the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) in its *PEG FNPRM*, released in July 2024. The Commission sought written public comment on the proposals on the IRFA. No comments were filed addressing the IRFA.

Need for, and Objectives of, the Rules

18. In the *Order*, the Commission modifies the video programmer registration and certification requirements, exempting video programmers that provide video programming exclusively to PEG channels that are exempt from the provision of closed captioning pursuant to § 79.1(d) or (f) of the Commission’s rules or certify compliance with, or exemption from, the closed captioning obligations for all programming shown over the PEG channel itself; or provide or license video programming to nonbroadcast networks for distribution by a cable operator or other MVPD, to the extent that such networks certify that the network itself is exempt or certify compliance with, or exemption from, the closed captioning obligations for all programming comprising the network’s linear line-up. The *Order* also ensures that captioning registration and certification requirements do not apply to video programmers with programs

carried on non-exempt PEG channels to the extent the channel administrator has the ability to certify that all programming carried on the channel is either compliant or exempt. The revised rules will relieve providers of video programming to cable or other multichannel systems from the obligation to register with the Commission and to certify captioning compliance if the relevant certification has been filed by another competent entity.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

19. No comments were filed addressing the impact of the proposed rules on small entities.

Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

20. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

21. The rules adopted in the *Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System codes and corresponding SBA size standard. Where available, the Commission also provides additional information regarding the number of potentially affected entities in the identified industries below.

Regulated industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Motion Picture and Video Production	512110	\$40 million	17,547	10,960	62.46
Motion Picture and Video Distribu- tion.	512120	\$39 million	474	336	70.89
Closed Captioning Services—Court Reporting and Stenotype Services.	512191	\$39 million	3,102	1,540	49.65
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Closed Captioning Services—Tele- production and Other Post Pro- duction Services.	561492	\$19 million	2,989	1,680	56.21

Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

22. The rule changes in the *Order* will alleviate registration and certification administrative burdens for the likely

thousands of operators of PEG channels run by small organizations that are exempt from the Commission’s close captioning rules. The Commission expects that small entities will experience cost-savings as a result of these changes. The Commission

estimates that about 290,000 programmers will save about 30 minutes of time per year. Using a value of time of about \$17 per hour, the Commission estimates that this would save \$2.43 million annually. PEG channel administrators, however, would incur

the cost of filing contact information and certifying compliance with or exemption from the closed captioning rules. The Commission estimates that about 1,700 channel administrators would be required to file contact information and make a certification. Because the Commission expects nearly all PEG channels are exempt from the closed captioning requirements, the Commission expects this will take about 30 minutes annually and will therefore cost about \$14,238. Therefore, the net cost savings from this rule change are expected to be \$2.41 million.

Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

23. In amending the Commission's closed captioning rules, the Commission believes that the rule changes associated with the *Order* will not unduly burden, and will in fact reduce regulatory burdens for small entities. By amending the rules to not apply the registration and certification requirements to those video programmers that provide video programming exclusively to PEG access channels that are exempt from the provision of closed captioning or certify compliance with, or exemption from, the closed captioning obligations for all programming shown over the PEG channel itself; provide video programming to non-exempt PEG access channels to the extent the channel administrator has the ability to certify that all programming carried on the channel is either compliant or exempt; or provide or license video programming to nonbroadcast networks for distribution by a cable operator or other MVPD, to the extent that such networks certify compliance with, or exemption from, the closed captioning obligations for all programming comprising the network's linear line-up, or certify that the network itself is exempt, the Commission relieves many entities, including small entities, from this reporting requirement.

24. The Commission considered comments expressing concern that the certification and registration reforms may require more stringent oversight mechanisms, but concluded that, so long as the PEG channel administrator files the required contact information and a certification attesting to the channel's exemption from the captioning rules, consumers will have access to the information intended by the certification requirement, and that the Commission will have sufficient documentation to ensure accountability for compliance with its rules, with no

undue burdens imposed on small entities in the process.

25. The Commission sought comment on the feasibility of channel administrators for non-exempt PEG channels to certify that their channels programming is either compliant or exempt. While there was no directly apposite response in the record, the Commission concluded that it was appropriate to allow such channels to certify as described above, because, to the extent such scenarios do exist, allowing this option poses the prospect of reducing burdens on small entities, and does not in any other respect appear to impose burdens on small entities.

26. The Commission will ensure that companies offering multiple program networks can register once and then certify those networks as a group, provided the certification lists each program network to which the certification applies. It will be more efficient and less administratively burdensome to create an avenue for such bulk processing in the registration and certification process, eliminating unnecessary paperwork in the process. To the extent that there are small non-profits that run multiple PEG program networks or related scenarios, this may stand to reduce burdens on small entities, and does not in any other respect appear to impose burdens on small entities.

Ordering Clauses

27. Pursuant to sections 4(i), 303(r) and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 613, the *Order* is *adopted*, and the Commission's rules are *amended*.

28. The *Order* shall be effective November 25, 2026, except for amendments to § 79.1(i)(4) and (m)(6) which contains modified information collection requirements, and will not become effective until OMB completes review of any information collections that CGB determines is required under PRA.

29. The Commission will announce the effective date for § 79.1(i)(4), and (m)(6) by notice in the **Federal Register** and by subsequent Public Notice.

30. Pursuant to sections 4(i), 303(r) and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 613, the Petition for Waiver of Registration and Certification Requirement filed by ACM on August 26, 2016, in CG Docket No. 05–231 is *dismissed as moot*.

31. The Commission's Office of the Secretary, shall send a copy of the *Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for the SBA Office of Advocacy.

32. The Office of the Managing Director, Performance Program Management, SENT a copy of the *Order* in a report to Congress and to the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 79

Cable television, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 79 as follows:

PART 79—ACCESSIBILITY OF VIDEO PROGRAMMING

■ 1. The authority citation for part 79 continues to read as follows:

Authority: 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 330, 544a, 613, 617.

■ 2. Amend § 79.1 by redesignating paragraphs (a)(6) through (a)(13) as paragraphs (a)(7) through (a)(14) and adding new paragraph (a)(6).

The addition reads as follows:

§ 79.1 Closed captioning of televised video programming.

(a) * * *

(6) *Nonbroadcast Network.* Networks whose programming is delivered via multichannel video programming distributors. Local and regional cable channels are included within the meaning of the term nonbroadcast networks.

* * * * *

■ 3. Delayed indefinitely, amend § 79.1 by adding paragraphs (i)(4) and (m)(6) to read as follows:

§ 79.1 Closed captioning of televised video programming.

* * * * *

(i) * * *

(4) Video programmers shall not be required to file contact information with the Commission pursuant to paragraph (i)(3) of this section if they provide video programming exclusively to a public, educational, or governmental (PEG) access channel, as described in section 531 of title 47 of the United States Code, or a nonbroadcast network, for which the administrator of the PEG access channel or nonbroadcast network has on file with the Commission:

(i) The contact information required by paragraph (i)(3) of this section; and

(ii) A certification pursuant to paragraph (m) of this section attesting to:

(A) An exemption from the captioning rules for the nonbroadcast network or PEG channel itself;

or

(B) Compliance with, or exemption from, the captioning rules for the entire programming line-up of the nonbroadcast network or PEG channel itself.

* * * * *

(m) * * *

(6) Video programmers shall not be required to submit certifications to the Commission pursuant to this paragraph (m) if they provide video programming exclusively to a public, educational, or governmental (PEG) access channel, as described in section 531 of title 47 of the United States Code, or a nonbroadcast network, for which the administrator of the PEG access channel or nonbroadcast network has on file with the Commission:

(i) The contact information required by paragraph (i)(3) of this section; and

(ii) A certification pursuant to this paragraph (m) attesting to:

(A) An exemption from the captioning rules for the nonbroadcast network or PEG channel itself; or

(B) Compliance with, or exemption from, the captioning rules for the entire programming line-up of the nonbroadcast network or PEG channel itself.

[FR Doc. 2026–21808 Filed 10–23–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0066; RTID 0648–XG134]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels using trawl gear to catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear and American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and

Aleutian Islands management area (BSAI). This action is necessary to allow the 2026 total allowable catch (TAC) of Pacific cod in the BSAI to be harvested.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 26, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT:

Andrew Olson, 907–206–5813.

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

The 2026 Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 25,706 metric tons (mt) as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026) and reallocation (91 FR 64806, October 13, 2026).

The 2026 Pacific cod TAC specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 4,557 mt as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026) and reallocations (91 FR 16583, April 2, 2026, 91 FR 55499, August 28, 2026, and 91 FR 64806, October 13, 2026).

The 2026 Pacific cod TAC specified for AFA trawl catcher/processors in the BSAI is 2,712 mt as established by the final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026).

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that catcher vessels using trawl gear will not be able to harvest 475 mt of the 2026 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(9). The Regional Administrator has also determined that catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear have the capability to harvest an additional 400 mt of Pacific cod TAC and AFA trawl catcher/processors have the capability to harvest an additional 75 mt of Pacific cod TAC.

Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS reallocates

400 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. In accordance with § 679.20(a)(7)(iii)(B), NMFS reallocates 75 mt of Pacific cod from catcher vessels using trawl gear to the annual amount specified for AFA trawl catcher/processors.

The harvest specifications for 2026 Pacific cod TAC included in final 2026 and 2027 harvest specifications for groundfish in the BSAI (91 FR 11750, March 10, 2026) and reallocations (91 FR 16583, April 2, 2026, 91 FR 55499, August 28, 2026, and 91 FR 64806, October 13, 2026) are revised as follows: 25,231 mt to catcher vessels using trawl gear and 4,957 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear and 2,787 mt to AFA trawl catcher/processors.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion and would not allow for the full harvest of the Pacific cod TACs by the sectors with harvesting capability. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on the catch of Pacific cod by sectors operating in the BSAI and the capability of certain sectors to harvest additional TAC only became available as of October 21, 2026.

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

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

Dated: October 22, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–21805 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 91, No. 205

Monday, October 26, 2026

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

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 18–122; GN Docket No. 25–59; Report No. 3237; FR ID 373513]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: Petition for Reconsideration (Petition) has been filed in the Commission's proceeding by Harold Feld on behalf of Public Knowledge and others.

DATES: Oppositions to the Petition must be filed on or before November 10, 2026. Replies to oppositions to the Petition must be filed on or before November 20, 2026.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Andrew McArdell, Wireless Telecommunications Bureau, at andrew.mcardell@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3237, released October 16, 2026. The full text of the Petition can be accessed online via the Commission's Electronic Comment Filing System at: <https://www.fcc.gov/ecfs/search/search-filings>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: In the Matter of Upper C-band (3.98–4.2 GHz) (GN Docket No. 25–59); Expanding Flexible Use of the 3.7 to 4.2 GHz Band (WT Docket No. 18–122).

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–21810 Filed 10–23–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 5 and 100

[SB Docket No. 25–306; FCC 26–47, FR ID 373984]

Space Modernization for the 21st Century

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or we) adopts a Further Notice of Proposed Rulemaking (FNPRM) that seeks comment on and/or proposes additional reforms.

DATES: Comments are due November 25, 2026. Reply Comments are due December 28, 2026.

FOR FURTHER INFORMATION CONTACT:

Carolyn Mahoney, Acting Division Chief, Satellite Programs and Policy Division, at carolyn.mahoney@fcc.gov or 202–418–7168 or Brandon Padgett, Acting Associate Division Chief, at brandon.padgett@fcc.gov or 202–418–1377.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (FNPRM), in SB Docket No. 25–306; FCC 26–47, adopted July 22, 2026, and released July 23, 2026. The full text of this document is available for public inspection online at <https://docs.fcc.gov/public/attachments/FCC-26-47A1.pdf>. The document is also available for inspection and copying during business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact

of rule and policy change proposals on small entities in the FNPRM. The IRFA is set forth in Appendix D of the document. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the FNPRM indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act Analysis

The FNPRM may contain new or proposed modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on any information collections contained in this document, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OPEN Government Data Act

The OPEN Government Data Act requires agencies to make “public data assets” available under an open license and as “open Government data assets,” *i.e.*, in machine readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization. This requirement is to be implemented “in accordance with guidance by the Director” of the OMB. The term “public data asset” means “a data asset, or part thereof, maintained by the federal government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under the Freedom of Information Act (FOIA).” A “data asset” is “a collection of data elements or data sets that may be grouped together,” and “data” is “recorded information, regardless of form or the media on which the data is recorded.”

Providing Accountability Through Transparency Act

The Providing Accountability Through Transparency Act requires each agency, in providing notice of a rulemaking, to post online a brief plain-

language summary of the proposed rule. Accordingly, the Commission will publish the required summary of the *FNPRM* on <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

I. Introduction

1. Achieving American space superiority is critical to our nation's future. As explained by Executive Order 14369 in December 2025, “[s]uperiority in space is a measure of national vision and willpower, and the technologies Americans develop to achieve it contribute substantially to the Nation's strength, security, and prosperity.” While the United States is already the world leader in commercial space, the industry is rapidly moving to build the space infrastructure of the future. Therefore, as part of our Build America Agenda, the Commission is aggressively moving to support commercial deployment of space infrastructure which promises enormous downstream benefits to American prosperity and security.

2. In pursuit of this goal, the Commission must ensure the United States is the best place for the space industry to build, operate, and license. Today's commercial space industry is rapidly innovating, requiring a regulatory framework which provides speed, predictability, and flexibility. Therefore, in this *Order*, the Commission moves forward with modernizing our rules to build a space “licensing assembly line” and adopting a new part 100. Like a physical assembly line, our new processes will move licensing requests in standard and predictable ways and result in increased efficiency and a higher quality of Commission review. By reforming our licensing and operating rules, the Commission complements its other ongoing activities to boost the space economy.

II. Background and Overview

3. *Background.* In the accompanying *Order*, the Commission generally adopts the framework proposed in the *NPRM*, albeit with some changes. As provided in Appendix A of the document, the Commission adopts a new part 100. Within part 100, we clearly distinguish the rules for the application and review process (subpart B), for operations under an authorization (subpart C), and for enforcing compliance (subpart D). Subpart A generally applies across part 100. Whereas part 25 is a confusing tangle of application and operational rules, with the new part 100 organization, we enable operators to

easily understand the application process and the standards under which they must operate. Such organization will also allow the Commission to make orderly changes to part 100 over time as necessary.

4. *Further Notice of Proposed Rulemaking.* With part 100 establishing the comprehensive framework, we seek further comment on several areas the Commission may consider to further refine these rules in the Further Notice of Proposed Rulemaking (*FNPRM*).

III. Further Notice of Proposed Rulemaking

5. Part 100, as adopted, provides a set of rules governing the licensing and operation of space and earth stations. With this framework in place, we now look to additional areas in which we can further modernize the Commission's rules to promote American space dominance in the *FNPRM*.

6. In particular, we seek to refine the operational rules in subpart C to build “operational envelopes” in which licensees have greater flexibility. Rather than requiring applicants to specify exact technical or operational parameters in their applications which may require multiple modifications or amendments as operations change, operational envelopes would allow applicants to request broader authority and change operations within that envelope without further permission from the Commission. This approach could have considerable benefits by allowing applicants more flexibility in designing and operating their systems without the need for additional authorization from the Commission. Therefore, in addition to other topics, we seek comment in the *FNPRM* on how we might create such operational envelopes. While we primarily seek specific comment on certain specific questions and proposals, we also seek general comment on revising our operational rules to promote flexibility and “operational envelopes.”

A. Space-Based Experimental Licensing

7. We propose to create a new type of space and earth station license for developing or experimental technologies. This experimental license would provide companies a clear and predictable pathway to a short-term license for the purpose of testing new technology or providing proof of concept before moving to commercial operations. We believe that this would be beneficial for the American space industry because it would provide a distinct set of rules tailored for space companies from the developmental stage through the commercial and

operational stage. It would also increase the Commission's administrative efficiency by applying a consistent licensing framework to all space and earth station licenses. We seek comment on this proposal.

8. The Commission currently bifurcates the application process for certain space station and earth station applications between part 5 and part 25. Part 5 of the Commission's rules contains the regulations pertaining to filing for applications in the experimental radio service. It is limited to stations conducting experiments, technical demonstrations, product development, and market trials. Part 5 is also applicable to all experimental stations, including terrestrial, aeronautical, and nautical, not just space and earth stations. This dual structure often creates confusion for applicants as to whether they should apply under the part 5 or part 25 rules. For example, operations do not always fit neatly within the parameters of a part 5 license because an applicant may be testing a new satellite with new capabilities for a service within which it already has a license to provide commercial service. This often leads to back and forth between the applicant and the Commission to determine the appropriate application filing procedures—part 5 or part 25. By creating a unified application process under a singular set of rules, we believe we can provide clarity to the applicants, alleviate delays, and reduce the administrative burden on limited FCC staff resources.

9. Specifically, we propose to consolidate all space-related experimental applications under a single licensing process. We envision these applications, currently filed in the Experimental Licensing System (ELS) under the part 5 rules, would instead be filed pursuant to part 100. We seek comment on this proposal. Would this application process be beneficial for space companies? We believe that keeping this proposed application pathway relatively broad—*i.e.*, experimental licensing would encompass both true experiments of new technology as well as testing technology upgrades and features further along in the developmental process—is a better path to applicants with the freedom to organize their license applications in a way that is most beneficial to their specific needs and priorities. We seek comment on creating a single process for all earth and space station licensing.

10. To implement this new licensing framework, we propose to create a new subpart J in the existing part 5

experimental licensing rules. These rules would be specific to space-related experimental licensing. Under this framework, all experimental license applications would continue to be filed under the provisions of part 5, but initial processing of space and earth station applications would be conducted by the Space Bureau, where staff have specific earth and space station-specific engineering and licensing knowledge. We believe that this approach would ensure that the rules for space-related experimental licenses reside under the Commission's larger experimental radio service framework, but would be sufficiently distinct to meet our goal of providing a unified process for space-related experimental applications to receive streamlined processing and expeditious review. Further, we propose that specific space-related rules would only reside in part 100 with cross-references to those rules in the new part 5, subpart J. For example, the current part 5 rules contain special provisions for satellite licenses. We believe licensees would benefit from a single consolidated rule part for all space-related provisions so that all such licensees have consistent guidelines while also keeping the Commission's overall experimental framework consistent. We seek comment on this approach. Are there alternative placements for space-related experimental rules, such as in the new part 100? If the new space-related experimental licensing rules are placed in part 100, should applicants have a choice of filing under the new part 100 rules or the existing part 5 rules? If a proposed experiment incorporates both space operations and terrestrial or aeronautical operations, would an applicant need to obtain experimental licenses under both part 5 and part 100? Or would applicants be required to obtain two experimental licenses—one for space-related operations and one for all other operations? If the new space experimental licensing rules are placed in part 5, should we cross-reference in part 100 to the experimental rules in part 5? If we create a new subpart in part 5, are there any modifications to other portions of part 5 that we would need to make? Are there any other changes we should make to part 5 to accommodate these new space experimental licenses?

11. Related to this proposal to maintain the space-related experimental licensing rules under part 5, we also propose that such licenses would fall under the general part 5 rule provisions applicable to all experimental licensing. This includes § 5.71, which provides for

a two-year license term, but allows up to five years with sufficient justification. Similarly, space-related experimental operations would also be subject to § 5.84, which permits experimental operation to only be conducted on an unprotected and non-interference basis. If applicants seek interference protection for their operations, they would need to file a part 100 application. We seek comment on this proposal. In keeping with this approach, we propose that space-related experimental applications and operations comply generally with the application and licensing provisions in part 5, subpart B. In addition to the provisions already noted, this includes, *inter alia*, requirements to notify the National Radio Astronomy Observatory when operating in certain locations, cancellation provisions, and procedures for informal objections. Are there portions of subpart B that should not apply to space-related experimental operations? Do certain provisions in subpart B need to be specifically modified for space-related operations? We similarly propose to update other rules in part 5 to either reference part 100 rules or incorporate provisions specific to space-related experimental operations. Specifically, commenters should review part 5, subparts A (General), B (Application and Licensing), and C (Technical Standards and Operating Requirements), as well as subpart H (Product Development and Market Trials), and provide their view on the applicability or changes needed for each of those rules. Are there additional provisions or restrictions that we should incorporate into the new rules?

12. Because experimental licenses are issued on an unprotected and non-interference basis and for limited duration, they are not placed on public notice for comment prior to grant. Consistent with this practice, we propose to not place space-based experimental license applications on public notice, although these license applications will be publicly accessible for review. We seek comment on this proposal. Is there a need for some sort of public notice for these proposed types of applications? We also propose to require applicants to submit all information required to adequately describe the specific type of system they seek to operate, *i.e.*, an earth station, an NGSO satellite system, a GSO satellite system, or a VTSS. Again, this is similar to the current process for a part 5 application where applicants must provide location, frequencies, power, and emissions information, as well as,

for space stations, additional satellite specific information regarding orbital debris mitigation. We seek comment on this proposal. Is there additional information that applicants should be required to submit? Should applicants only be required to submit a subset of information required for a regular part 100 license because their operations would be for a short duration and on an unprotected and non-interference basis?

13. We propose to require applicants to certify that the operations under the license will only be for the purpose of testing, experimentation, demonstration, or validation consistent with the part 5 rules, including the provisions permitting product development and market trials. We seek comment on this proposed criteria for qualifying for a license. We seek comment on whether the provisions for development and market trials need to be modified to accommodate space-based experimental operations. Specifically, we note that those rules require that "trial devices are either rendered inoperable or retrieved by them from trial participants at the conclusion of the trial. Licensees are required to notify trial participants in advance that operation of the trial device is subject to this condition." Is this practical for a satellite or an earth station? Are there other criteria that would better accommodate the needs of space-based experiments? Often, space and earth station applicants under part 5 are under contract with the federal government. Should we specifically include experiments under contract with the U.S. government as within the new license type?

14. We also propose to create a process by which an experimental license may be converted to a regular part 100 license upon request by the licensee and action by the Commission. We believe that this would solve the problem that currently exists where a part 5 space station licensee desires to provide commercial service under part 25 rules and either must file a completely new license application or the Commission must incorporate the part 5 licensed satellites into a part 25 license. Licensees who test and validate their satellites or earth stations and wish to operate longer than the initial limited license term would be able to submit a request to the Commission to convert to a part 100 authorization. We anticipate treating these requests as an application for major modification and placing them on public notice so that interested parties can comment. The application would then proceed along the same review process as we will use for regular part 100 applications. We expect that applications to convert an experimental

license to a regular part 100 license that do not seek additional interference protection could be granted quickly, based on successful operations under the existing experimental license. We seek comment on this proposal. Should we create a specific process for converting an existing experimental license into a regular part 100 license? Or should we treat it as a major modification? Are there other conversion-related considerations for which we should account?

15. We seek comment on our proposals generally and also seek comment on whether alternate approaches would better suit space-based experimental licenses. Parties should address the relative costs and benefits of any particular approach for where and how we codify the new rules.

16. We tentatively conclude that the proposal to have the Space Bureau conduct initial processing of experimental space and earth stations would save approximately \$66,000 per year in review costs for Commission staff by offering substantial administrative and operational efficiencies that would allow us to streamline the licensing process for space and earth stations. We seek comment on this estimate. Additionally, we believe that adopting a consolidated application pathway that expedites Space Bureau review would provide a more easily understandable process for applicants that minimizes processing-related delays, thereby lowering the administrative burden. We seek comment on this assessment and on additional benefits and costs that may be associated with this proposal.

B. NGSO Call Sign Merging

17. The *NPRM* proposed to allow NGSO satellite system operators to combine authorized satellites currently operating under multiple call signs into one NGSO satellite system under one call sign. Commenters broadly supported this proposal. We believe that this could help applicants decrease the number of licenses that must be maintained, providing greater flexibility and modularization. We seek further comment on this proposal. What are the benefits to applicants of maintaining fewer licenses? We encourage commenters to provide specific examples, as well as any estimates of potential administrative time savings due to improved flexibility or reduced burdens. Additionally, should we require applicants to submit a request with the Commission asking that multiple current NGSO satellite systems under separate call signs be merged into a single NGSO satellite system with a

single call sign? We seek comment on this.

18. Some commenters were concerned that a single call sign per NGSO satellite system could cause confusion with existing license holders. In the *Order*, we adopt a new definition of NGSO satellite system that is applicable on a prospective basis. Current licenses that contain multiple call signs for a single NGSO satellite system would not be affected. But in the *FNPRM*, we seek comment on whether we should give licensees the option to request that the Commission consolidate the call signs so that there is only one call sign for the NGSO satellite system. This would give current license holders the assurance that their license terms would not be affected unless they requested a change but also would give them the flexibility to consolidate under a single call sign. We seek comment on this proposal and these assumptions. Are there any potential costs or other harms from allowing applicants to consolidate call signs? In addition to pre-existing licenses prior to the adoption of part 100, should we allow licensees that receive licenses after the adoption of part 100 to consolidate call signs in the future? Should we adopt a standard process for NGSO satellite system licensees to consolidate multiple NGSO satellite systems under a single call sign? If so, is it sufficient to allow applicants to request a merger and let the Space Bureau decide whether the separate NGSO satellite systems should qualify as a single NGSO satellite system?

B. Earth Stations

19. In the *NPRM*, we sought comment on various changes to the way the Commission licenses earth stations. Commenters provided an extensive record. Based on that record, we seek further comment on ways in which we can update and revise the licensing process for earth stations. In particular, we seek to further identify whether to define operational envelopes in which operators can have greater flexibility without requiring additional permissions or modifications. We generally seek comment on this issue.

20. Currently, the Commission's rules do not include a specific definition for "site" as it relates to earth stations. Although we anticipate that sites will be registered on an antenna-by-antenna basis for Immovable Earth Stations, the rules vary in how a site can be defined. Accordingly, should we establish a single uniform definition of "site" as it relates to earth stations? If so, how would that impact coordination with other users of spectrum? Should this

definition also apply to blanket licensed earth stations such as ESIMs or User Terminals and if so, how?

21. Further, as discussed in the *Order*, the Commission's part 100 rules do not change the classification or definition of various consumer apparatus that we have traditionally regulated as "earth stations." For example, our part 100 rules do not define user terminals, and they continue to classify user terminals and SCS handsets as a "earth stations." We seek comment on all potential rule changes to that end. Should we establish a formal definition of user terminals that codifies the one provided in the *Order*? More fundamentally, are user terminals or handsets properly considered "earth stations," a category which traditionally referred to fixed infrastructure requiring professional installation and operation by telecommunications providers? Alternatively, should we adopt a new category of lightweight consumer-facing equipment to be authorized in bulk through our equipment authorization processes, without retrofitting our definition of "earth station" or requiring part 100? Because we are now regulating ESIMs and user terminals under the same rule part, should we create a new class of earth station that encompasses them both under a single definition? We seek comment, for example, on a "Nomadic Terminals" definition that could include ESIMs, along with user terminals, consumer handsets, IoT devices, and other portable, non-industrial equipment, and the terminals under this definition would be regulated based on how they are used. For instance, should there be different requirements for terminals continuously in motion or on a plane or on a vessel, as opposed to those that are normally fixed but theoretically capable of being relocated? Should we adopt this two-tier approach? Would combining ESIMs and user terminals under a single definition reduce the confusion and the redundancy that applicants face when applying for licenses?

22. At the same time, we think that the definitions related to ESIMs warrant a more robust change to reflect the new technology that did not exist when the ESIM rules were established. For instance, the definition of an ESIM could be read to include cellular phones operating on FSS to communicate with a satellite if used from an Earth Station on Vessel (ESV), Vehicle-Mounted Earth Station (VMES), or ESAA. Alternatively, the definition of VMES is tied to a motor, which could imply that persons who require the use of a motorized wheelchair must comply with the VMES specific rules if they choose to operate

a cell phone that communicates with a satellite or a terminal providing service to a laptop that they are using while moving. Accordingly, we think the time is ripe to revisit ESIMs generally. Therefore, we seek comment on how we should revise the ESIM definitions to better account for today's technologies. Does the adoption of a new "nomadic terminals" definition solve much of the issues around ESIMs? If so, how should we account for things like ESAA or ESVs that are also subject to international treaties? Would establishing envelopes for technical rules, similar to what we propose for off-axis EIRP and antenna gain be necessary if we update these definitions? Are there specific treaty or international factors that must be accounted in relation to ESIMs? For instance, vessels and airplanes are subject to international treaties. How might that interact with ESIMs revisions?

23. We seek specific comment on changes that would provide regulatory clarity for unmanned aircraft systems (UAS or drones). We confirm that a drone may qualify as an ESIM and utilize eligible spectrum under our part 25 and 100 rules to the extent that it sends or receives radiofrequency (RF) signals to or from an authorized FSS satellite system. At the same time, our past decisions have not specifically considered UAS as a discrete species of ESIM, whether an ESAA or VMES or some other category, given the nascency of the drone industry. Should we now do so? We seek comment on updating our definitions to accommodate UAS connectivity from satellite systems and related issues. Are the prescriptive technical requirements we previously adopted for ESAA use, largely designed for the commercial and private aviation context, appropriate for UAS? Given their lower operating altitude and proximity to the ground, are drones better regulated or classified as VMES? Does UAS present different or fewer interference considerations than those we previously considered for ESAA or VMES? Given its ubiquity and lower cost, is UAS more akin to or better regulated as consumer-facing equipment, such as user terminals or SCS handsets? What, if any, licensing requirements should govern UAS above and beyond those that apply to user terminals? Absent formal rule changes, should the Commission provide further clarity about the treatment of UAS under part 100? To the extent necessary, we delegate such authority to the Space Bureau. To foster a competitive drone connectivity market with multiple

providers and minimal barriers to entry, it is the Commission's overarching goal to provide spectrum access to a diverse array of UAS operators using all eligible frequencies, without the need for individualized licensing or a heavyweight technical envelope. We therefore seek comment on any and all changes to meet that objective, including to our definitions, to give UAS a pathway toward spectrum abundance.

24. We also seek comment on if the technical rules and limitations that apply to ESIMs warrant revisions. Are the rules currently applicable to ESIMs too restrictive? How can we revise them to make them more permissive and adaptable to new technologies? Should we revise them at all?

25. We also recognize that the number of different types of earth stations in the Commission's rules can create confusion as to which earth station type applies to a specific application. This in turn creates confusion as to which technical rules apply. As earth station types continue to converge, such as in the direct to device context or the User Terminal and ESIM context, we foresee this issue amplifying. Therefore, we seek general comment on if there are ways in which we can condense and streamline the number of different types of earth stations that exist in our rules. If so, which definitions could be combined or removed? Any proposal to combine or remove definitions should provide an explanation of how the Commission should address associated technical rules. In addition, we seek comment on whether the definitions in the Commission's rules cause confusion with how certain terms are used internationally? Does this cause confusion among regulatees as to what we are regulating when we classify earth stations in a more specific manner than the international community? We seek comment on these questions and welcome proposals for other suggestions where we can streamline or condense the Commission's rules and definitions as it relates to earth station subgroups.

26. As it relates to earth station radiofrequency exposure reports and associated technical showings, SpaceX suggests that we align the Commission's rules for earth stations with the part 2 rules. We do not make that change in the *Order* because it would require changes to part 1 of the rules and because the record on this issue is not sufficiently developed. We now seek comment on SpaceX's suggestion. Should we align the coordination rules and the associated technical showings with the part 2 rules and only require that an applicant certify to compliance

with the part 2 limits in the application but require that technical showings be provided upon request by the Commission? If so, why should we adopt this approach? If not, what are the issues with adopting this approach and the impact it has on giving the public sufficient information about an earth station? Is providing this information redundant with other processes that earth station applicants already do? We seek comment on these questions and welcome other comments related to this proposal.

27. In the *Order*, we eliminate the ability for applicants to receive U.S. market access via earth station, although we allow STAs for certain categories of short-term uses including brief, non-recurring activities such as LEOP, in-orbit testing, and orbit changes. Some commenters suggested that there be an expedited mechanism for a grant of market access via earth station for specific operations, including for communications that would involve TT&C only, earth stations aboard aircraft that do not have a U.S. space station license, or data-only downlinks, generally or for earth observation. Other commenters suggested we establish streamlined market access entry to enable the ground station as a service business, in order to promote U.S. leadership in this new business model. We seek comment on these proposals, specifically on an expedited mechanism or other streamlined process for market access via earth station. We ask for comment on how such processes might work, what classes of communications should be included, and how to ensure that any such framework would not compromise national security or otherwise affect the interference and orbital environment. We also seek comment on whether a specific streamlined process or exemption is needed for satellites or space stations that do not communicate with the Contiguous United States (CONUS) but with a limited subset of teleports, for example, in the Pacific Islands, including Hawaii or Guam. Is a streamlined process needed for earth stations communicating with non-U.S. space agency satellites? Commenters are encouraged to include examples from other administrations, and whether reciprocity from the satellite licensing administration should be a condition of receiving U.S. market access via this regime.

28. Further, we revisit the discussion from the *NPRM* and again ask whether we should retain the rules relating to receive-only earth stations. We elect not to remove the rules in the *Order*, largely due to the ongoing C-band auction

proceeding. In light of the C-band auction likely coming to a close in the near future, we seek comment on whether we should remove the receive-only rules from our part 100 rules. Specifically, given that the Commission determined that it was unnecessary to license receive-only earth stations communicating with U.S.-authorized space stations, and instead only register them if requested, is this rule part necessary? Should the rule be kept for operations with non-U.S.-licensed space stations that either do or do not have market access? If so, we invite commenters to provide details as to how and why. In addition, we invite comment on how we should treat existing rule parts that limit the receive-only protections available to those already registered, such as in C-band. To avoid confusion, we do not invite comment on the requirement that a receive-only earth station receive a license before receiving from a non-U.S. licensed space station.

29. Finally, regarding the Nationwide, Non-Site license we adopt in the *Order*, many commenters proposed that we allow for Nationwide, Non-Site licenses in cases where a waiver is requested. We elected not to do so broadly in the *Order*—limiting only to allowing waivers of the U.S. Table of Frequency Allocations—as we believe that a determination of what other waivers should be allowed for this license requires further discussion. Accordingly, we seek comment on whether we should allow applicants who request a waiver, other than for the Table of Frequency Allocations, to apply for a Nationwide, Non-Site license and if so, which waivers should we allow? For instance, are there waivers that pose little risk that could be applied across the nation without special review being necessary? We note that some commenters suggested that routine waivers be permitted. What would constitute a routine waiver given that waivers are meant to be reviewed on a case-by-case basis? What are the costs and benefits of adopting this approach? We seek comment on these questions generally. We ask that commenters provide specific examples of waivers we have granted in the past that could fit within the scope of the questions we ask here.

D. Modifications

30. We seek comment on whether we should allow space station licensees to change or add RF sensing capabilities through a minor modification or notification process instead of requiring a major modification application. HawkEye 360 requested that the

Commission include adding or changing RF sensing capabilities as a modification that could be made via notification only, arguing that there is no possibility of interference from these activities. We elected not to adopt this proposal in the *Order* because we believe it requires a more extensive record given the possibility of these sensors experiencing interference and accordingly seek comment on this idea. Are there any concerns with adopting this approach given the claim that there is no chance of interference from these activities, recognizing that these sensors could be interfered with? What are the benefits or drawbacks of adopting this proposal? We seek comment on these questions. Commenters are encouraged to provide recommended rule text in response to these questions.

31. We also seek comment more broadly on the list of major and minor modifications that we adopt in the *Order*. Could the list of major modifications be streamlined to give more flexibility to operators? If so, which specific major modifications should be removed? Are there ways to move one or more categories of major modifications to the minor modifications, such that the changes could be made either after notifying the Commission or prior to notifying the Commission? Are there other general types of modifications that the Commission should specify may be made without prior authorization? Commenters are encouraged to provide possible regulatory text in response to these questions.

E. Hosted Space Stations

32. In the *Order*, we adopt changes to the Commission's rules related to hosted space stations. The changes are limited to U.S.-licensed hosted space stations onboard U.S.-licensed host space stations and do not extend to non-US licensed hosted space stations. We seek comment on whether to extend this framework to non-U.S.-licensed hosted and host space stations. Specifically, should we allow U.S. space station licensees to add a non-U.S.-licensed hosted space station to their authorization via the notification process we adopt in the *Order*? Would this be giving non-U.S.-licensed operators a means to avoid the market access process? Or could we allow the equivalent of the hosted space station license for market access? Should we allow this for non-U.S.-licensed hosted space stations that do not seek to communicate with any earth stations located in the United States? Should we allow U.S. market access recipients to add a U.S.-licensed hosted space station

via the notification process? Should we allow U.S. space station operators to obtain a hosted space station license for operations on a foreign-licensed spacecraft without market access? If so, should we require the U.S.-licensed hosted space station applicant to show that the foreign-licensed host spacecraft complies with the Commission's orbital debris rules? What requirements, if any, that differ from what we adopted in the *Order* would be necessary to allow these different license arrangements? We seek comment on these questions and any other benefits, concerns, or issues that this proposal may present.

33. We also seek comment on whether the rule we adopt for hosted space stations could provide more flexibility to support multiple licensing structures and hosting models. For example, should we allow for either the host space station or the hosted space station to hold the FCC license that includes the Schedule O that its partner applicant incorporates? Should we further allow host space station systems to file applications on behalf of the hosted space station, in addition to allowing hosted space stations to file on their own behalf? Additionally, to support situations that differ from the traditional hosted space station model, could this rule be used to promote software-defined payloads? Specifically, could this rule, or a modified version, allow situations enabled by software-defined payloads where the FCC- licensee of a spacecraft permits another licensee to operate on frequencies using a single antenna on the host's spacecraft? Given developments in software-defined radio technology, providing this flexibility could allow hosts to facilitate frequency use by one or more clients on the same space station equipment. Could the Commission issue a license to the underlying operator of the spacecraft with the software-defined antenna and then issue a separate license to another entity that will be using some of the frequency bands in which the antenna is capable of operating? Would it be beneficial for the Commission to allow for this arrangement? What information might the Commission need to assess potential harmful interference resulting from these types of operations? Should the licensee of the space station that is in control of the physical operations of the satellite(s) be the one ultimately responsible for any harmful interference? Would it be better to only issue a single license for the software-defined payload, or the satellite system that is comprised of many satellites with these antennas, to the satellite

operator—*i.e.*, the one with physical control of the satellites—and then the operator is able to lease capacity or establish whatever business arrangements it finds to be in its interest? Because the Commission's licensing is apparatus-based, can the Commission issue separate licenses for a single space station that cover only certain frequencies in which the space station is capable of operating?

F. Ephemeris Data Sharing and Reporting

34. The need for precise and frequent reporting of ephemeris data for satellites operating in LEO is critical to enable more productive and safe use of space. In the *Order*, we take a meaningful step towards enhancing space safety by requiring licensees and market access grantees to share their ephemeris data. This was based on extensive commenter feedback. Commenters were largely supportive of the proposal to require operators to share ephemeris data. Commenters also suggested or proposed additional requirements regarding ephemeris data sharing, including recommended cadence of reporting, required data transmission format, and tailoring reporting requirements to specific orbital regimes. We seek comment now on potential future requirements for ephemeris sharing to enhance space safety. Should we require updated information to be shared more frequently than the eight hour timeframe we encourage in the *Order*? If so, how frequently? Should we require operators engaged in certain activities, like RPO or servicing, to share ephemeris data more frequently than other operators? If so, how frequently? Additionally, should we require operators engaged in RPO to provide notice to the Commission a specific amount of time prior to beginning the RPO? Are there technical limitations that might make it more difficult for certain satellite operators to share ephemeris data more frequently? Should we phase in more frequent reporting requirements over a period of time?

35. We also seek comment on creating a process whereby the Space Bureau could certify qualified, private ephemeris tracking systems as sufficient for the purpose of complying with our rules on ephemeris sharing. We believe this could allow the space situational awareness business to develop independently while ensuring that operators licensed by the Commission are sharing ephemeris information in an appropriate manner to advance space safety. This would also provide flexibility for operators so that they have several options for complying with the

Commission's rules. They can then choose which of the SSA providers or ephemeris tracking systems best serves their needs rather than being forced to submit information to one specific provider chosen by the Commission. Would this process promote space safety? Alternatively, should the Commission specify one single provider or site for operators to share their ephemeris data? Would specifying a single provider make it easier for new entrants or less sophisticated operators? If the Commission delegates authority to the Space Bureau to certify qualified ephemeris tracking systems, what criteria should the Bureau consider in the certification process? Should the Commission require any certified private ephemeris tracking systems to make ephemeris information freely available to all satellites operators so that there is not an additional technical burden for operators and conjunction screening services? We believe this certification process could provide clarity for operators so they know how to satisfy the requirements in the Commission's rules and would offer an "official" list of credible tracking systems that operators can rely upon. We seek comment on this assumption and these general questions.

36. We also seek comment on additional information to require as part of the space system safety reports. Should these reports include information regarding disposal failures, or satellites that are unable to maneuver as intended? Should these reports collect information related to high-risk events, passivation and end-of-life activities, or debris release? Should the information be collected in a more standardized format? We seek comment on these questions as well as any additional information that should or should not be included in these reports.

G. Inter-Satellite Service Links (ISLs) Between U.S.-Licensed and Non-U.S.-Licensed Satellites

37. Currently, the Commission does not have rules for the licensing of communications via inter-satellite service links between U.S.-licensed and foreign licensed space stations or spacecraft. We recognize that these types of operations could pose security risks. We therefore seek comment on the types of issues that the Commission should be concerned with and how to address them. We also seek comment on the most appropriate mechanism for licensing these inter-satellite links. Should we require a market access grant for any foreign licensed satellite system that will operate inter-satellite links with a U.S.-licensed satellite system,

even though the foreign licensed system will not be communicating with any earth station within the United States? Could a light-touch framework for authorizing such communications, using certifications, be developed that would still satisfy security risk concerns? Alternatively, for U.S.-licensed satellite systems that seek to operate inter-satellite links with a foreign licensed satellite system, should we require a modification application that outlines the ownership and operations of the foreign licensed system? If the U.S.-licensed satellite system is already authorized to operate in the frequency bands with which it seeks to communicate via inter-satellite links with a foreign licensed system, should we allow the U.S.-licensed system to simply file a notification prior to beginning operations that identifies the foreign satellite system? Should there be a restriction of systems that U.S.-licensed systems may communicate with based on the country where the foreign system is licensed?

H. Frequency Reuse

38. Section 100.211(d) requires all space stations in the FSS operating in any portion of the 3600–4200 MHz, 5091–5250 MHz, 5850–7025 MHz, 10.7–12.7 GHz, 12.75–13.25 GHz, 13.75–14.5 GHz, 15.43–15.63 GHz, 17.3–17.8 GHz, 18.3–20.2 GHz, 24.75–25.25 GHz, or 27.5–30.0 GHz bands, including feeder links for other space services, and in the BSS in the 17.3–17.8 GHz band (space-to-Earth), to employ state-of-the-art full frequency reuse, either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams. Given the growth in the use of spectrum by the FSS and BSS, we seek comment on requiring full frequency reuse for all FSS and BSS operations in bands allocated to FSS and BSS as a general rule, instead of in the bands listed in § 100.211(d). This also includes feeder links for other space services. Are there any frequency bands where the technical limitations make this challenging? Are there specific benefits to not requiring frequency reuse across all FSS and BSS operations?

I. Orbital Debris Mitigation

39. *LEO*. Spacecraft monitoring and collision avoidance is important for a safe operating environment, not just during mission operation but also after end-of-mission. NASA notes that it is preferable for spacecraft to retain collision risk reduction capabilities including during de-orbit phase. We seek comment on a potential certification or requirement for

spacecraft monitoring and collision avoidance capabilities for each spacecraft throughout its orbital lifetime, including end-of-mission, until re-entry.

40. *Beyond LEO.* Section 100.111(d)(2)(iii) requires NGSO satellites to be 10 cm or larger in the smallest dimension in order to be presumed trackable. NASA notes that object trackability is a function of many factors, but most notably of orbital altitude, and that the 10 cm minimum is insufficient to ensure trackability for spacecraft at altitudes above LEO, or 2000 km. NASA further notes that for spacecraft above LEO, such as in MEO or GEO, a 1 meter minimum measurement should be the standard for spacecraft operating at these altitudes to be presumed trackable. We propose to adopt a presumption into § 100.261(a) that for satellites operating in MEO or GEO will be presumed trackable if each individual satellite is 1 meter or larger in its smallest dimension, excluding deployable components. We seek comment on this proposal. Should we require operators whose spacecraft will operate in highly elliptical orbit (HEO), cislunar space, or beyond the moon to certify that their spacecraft will be trackable? If so, should we adopt a different measurement other than 1 meter for a spacecraft to be presumed as trackable?

41. *Collision Risk Reduction During De-Orbit.* We seek comment on potential information requirements or presumed acceptable bright-line criteria for satellite operations specifically during the de-orbit phase. Should the Commission require satellite operators to provide information about whether the system will maintain conjunction mitigation capabilities during the de-orbit phase? If so, what information should the Commission collect from operators and at which point should the Commission assess this data, for example, until the satellite(s) reach a specific altitude or at a certain time before demise? Alternatively, should the Commission adopt a presumed acceptable criteria requiring a certification that satellite operators will maintain conjunction mitigation capabilities until a specified altitude or time before demise? Should de-orbit requirements or criteria apply to all satellite systems or only to satellite constellations of a certain size?

J. Two-Degree GSO Spacing Requirements

42. *FSS Earth Station Performance Standards.* In the *NPRM*, we proposed to streamline the requirements in § 25.209 regarding earth station antenna

performance standards. Commenters were broadly opposed and noted that it was premature to make substantive changes to the earth station antenna performance standards without establishing the necessary technical record. We now take the first step towards developing that technical record. We seek comment on whether any updates to these standards are necessary, including whether the current rule covers all current and possible future antenna types, frequency bands, and any other pertinent addition or clarification to bring the rule up to date. Are these rules overly limiting or out of date? Do they sufficiently cover all antenna types and/or operations? We seek comment on these questions and on the rule more broadly.

43. For commenters that suggest new bands or new antenna types to be added to the rule, we ask that they provide associated co-polarization and cross-polarization antenna gain in both the plane perpendicular to the GSO arc and the plane tangent to the GSO arc for various off-axis angles in the same format in which the rule is currently written.

44. *FSS Transmitting Earth Station Off-Axis EIRP.* In the *NPRM*, we also proposed to streamline the off-axis EIRP density limits for earth stations. Commenters were broadly opposed and noted that it was premature to make substantive changes to the off-axis EIRP density limits without establishing the necessary technical record. In light of these comments, in the *FNPRM*, we seek comment on whether updates are needed to the current rule to accommodate current and future sharing of the GSO arc, whether additional bands need to be included, and any other pertinent addition or clarification necessary to the rule. The responses to these questions will guide the Commission in determining whether the Commission should initiate a separate technical dedicated rulemaking proceeding to address this and other technical issues.

45. For any new bands to be included or added to the rule, we request that commenters provide the off-axis EIRP density limits in the plane tangent to the GSO arc and in the plane perpendicular to the GSO arc for co-polarize transmissions and for cross-polarize transmissions for the various off-axis angles in the same format in which the rule is written.

K. Secondary Markets

46. In the *Order*, we adopt a new framework for processing rounds. This framework will result in clearly defined status for NGSO satellite systems, and

that processing round status can have a quantifiable impact on operations. Therefore, we seek comment on the possibility of licensees or market access holders exchanging processing round status via a secondary market. Once a system is licensed in a processing round, are there ways that processing round status could be shared or exchanged with other systems in processing rounds or systems licensed outside of a processing round? While coordination already allows for operator-to-operator agreements which may incorporate market activity, exchange of a single operator's priority status would mean the status of other operators in the same processing round would change with respect to a processing round licensee who shares or exchanges their status. How might the Commission make such arrangements feasible? Would this allow for spectrum to be used more efficiently and put to higher and better uses? What might be the benefits or drawbacks to this approach? What impact would this have on the processing round framework in general? We would expect, in order to prevent spectrum warehousing and speculative applications, that any ability to exchange or transfer priority would depend on the entity having deployed a system. Would it be possible to allow a licensee in a processing round to share or exchange their position in that round without requiring the other party to the transaction to launch and operate the exact same system so as to avoid interference concerns from a major modification? We seek comment on these questions generally.

L. Renewal and Replacement Expectancies and Reassignment

47. In the *FNPRM*, we seek to build on the record developed in response to the proposals in the *NPRM* regarding renewal and replacement expectancies for space stations and earth stations. The *NPRM* proposed to include a definition of "replacement space station" within part 100 and sought comment on whether to establish guidance on how to consider renewal expectancy for all types of space and earth stations. The *NPRM* observed that although the vast majority of renewal applications are granted, the Commission has generally reviewed applications for renewals on a case-by-case basis, which has occasionally led to protracted disputes over whether a renewal is warranted. In the accompanying *Order*, we adopt a definition of a replacement satellite in part 100 for both GSO and NGSO space stations, which largely mirrors the definition of replacement satellite that

was contained in § 25.165(e). The record in response to the *NPRM*, however, was insufficient to adopt rules or guidance regarding renewal and replacement expectancies. Accordingly, we seek further comment on whether, and how, the Commission should adopt more structured renewal and replacement expectancy frameworks for space and earth station authorizations.

48. There are significant differences between GSO and NGSO space stations that affect renewal and replacement expectancies. NGSO space stations are most often licensed as part of a constellation of many individual space stations under a single call sign. Thus, one or more individual satellites may be replaced during the 20-year license term for the constellation without negatively affecting the ability of the authorized system as a whole to provide service to the public and to utilize orbital and spectrum resources. This reality is reflected in our rules regarding replacement satellites under part 100, which allow for a licensee of an NGSO satellite system to replace individual satellites in a constellation without additional approvals, so long as the replacements do not constitute a major modification. In contrast, GSO space stations have historically only been licensed as single space station with authority to utilize spectrum resources at a specific location on the GSO arc. Thus, the removal of a GSO space station from its assigned orbital location, either through removal from the GSO arc as part of an end-of-life disposal or through relocation to another location on the GSO arc through a modification of the license, ceases use of spectrum by the space station at the assigned orbital location. That orbital location and spectrum is effectively “warehoused” unless the licensed satellite is already replaced with a new satellite prior to the disposal or relocation. We seek comment on these differences between GSO and NGSO space stations as they may affect replacement expectancies.

49. The differences also extend to renewals of GSO and NGSO space stations. Because NGSO space stations are most often licensed as part of a constellation, and the 20-year license term is for the constellation as a whole, rather than for any particular satellite in the constellation, there is logic in renewing the license for the constellation as a whole for another full 20 years at the end of license term. The constellation may have been refreshed by new satellites, given the fact that individual satellites in the constellation generally have operational lifetimes much shorter than 20 years. GSO space

stations, on the other hand, have not been operated or licensed as constellations, and as a result, a single satellite operates for the entirety of the license term. Accordingly, GSO space station operators currently do not have a renewal expectancy, but rather a replacement expectancy, as well as the ability to extend the license term through a modification of the license. We seek comment on the differences between GSO and NGSO space stations, particularly as they may affect renewal expectancies.

50. In light of the differences between GSO and NGSO space station operations and licenses observed above, we seek additional comment on whether it is possible to establish a unified rule for renewals of space and earth station licenses. Particularly, does it make sense to have a single rule for renewals of NGSO and GSO space station licenses and grants of market access? What about VTSS? Although it is not currently expected that a GSO satellite is capable of continuing to operate for an additional full 20-year license term given existing satellite technology, do changes in regulation and technology affect this expectation? We note that under the rules adopted in the *Order*, it is now possible for more than one GSO space station to be authorized under a single license at an orbital location. Does this licensing change make a GSO authorization more akin to an NGSO authorization for a constellation? We seek comment on how this change could affect the renewal or replacement expectancy for GSO space stations. In addition, technology is now available to extend the operational lifetime of GSO space stations through servicing spacecraft that provide station keeping for the GSO space station beyond its license term. It is also foreseeable that in-orbit refueling of GSO space stations will become feasible in the near future. Both of these technologies could extend the operational lifetime of a single GSO satellite well beyond the initial 20-year license term and could make renewal of a GSO satellite license feasible. We seek comment whether these technological developments support renewals of GSO space station licenses for a full additional 20-year license term or for an alternative, shorter term?

60. To promote simplification and consistency across services, we propose to establish rules of general applicability on renewals that apply to all satellites and earth stations. A single standard that applies to different services would also allow for clear and consistent review of requests for renewal of licenses, including more efficient review of multi-orbit systems. As part of

such single standard, we propose that applications for renewals of space and earth station licenses include several certifications that the licensee must make, including: the licensee is continuing to use the orbital and/ spectrum resources that it is currently authorized to use; the licensee is continuing to comply with the terms of its authorization; and the licensee has not operated in a manner that would cause automatic termination pursuant to § 100.302. We seek comment on this specific proposal and whether it should be expanded to include other criteria. Are the proposed certifications sufficient to ensure the most efficient use of licensed radiofrequency spectrum? If we allow renewals for GSO satellite systems, should we require the same certifications for GSO renewals as for NGSO renewals? If not, what different certifications should we require? Additionally, should there be different certifications for earth station renewals? We also seek comment on whether we should extend this standard to grants of U.S. market access for non-U.S. licensed space station in light of establishing terms for these grants in the *Order*.

61. We also seek comment on how to clarify and potentially codify our replacement expectancy for GSO space stations. There is currently regulatory uncertainty that arises when a GSO space station licensee disposes or relocates an in-orbit satellite and does not immediately surrender the license or place another satellite into the vacated orbital location that uses all the spectrum resources that were licensed for use by the satellite that was disposed or relocated. In such a situation, it is unclear whether these orbital locations or spectrum can immediately be applied for and put to use by another entity that wishes to utilize them, or whether the Commission must first issue a public notice announcing that the orbital location and frequencies are available for reassignment and establishing a future time at which the Commission will accept applications for the orbital location and frequencies. To remove this uncertainty, we propose a rule that would automatically make the orbital and spectrum resources available for reassignment unless the licensee has already put into place a new replacement satellite at the location, or within a year of the date of the disposal or relocation has relocated another in-orbit satellite to utilize all frequencies that we authorized for use by the disposed or relocated satellite at the orbital location. If neither condition is met, we propose that the Space Bureau

will release a public notice making the orbital location and any unused frequencies available for reassignment and establishing a date and time that new applications will be accepted. We seek comment on this proposal in general, as well as on the specific mechanisms and time periods proposed. Is a shorter time period, such as two weeks or thirty days, more appropriate? Should authorizations terminate immediately upon disposal or relocation? Should any orbital location and associated spectrum rights that are vacated or terminated automatically become available for new applications through ICFS at 9:00 a.m. Eastern Time on the calendar day immediately following the expiration of the 30-day replacement window, without requiring the Space Bureau to issue a public notice? We also seek comment on whether and how this proposal could be applied to grants of U.S. market access by foreign licensed GSO space stations.

62. This proposal intends to provide clarity to the GSO replacement expectancy policy and make it easier and faster for orbital and spectrum resources to be used to serve the public. It is also intended to prevent orbital and spectrum resources being held to the exclusion of others for an extended period of time, while providing flexibility for in-fleet redeployments and preserving the continuity of service to existing customers served by a satellite operator at a particular orbital location. It also takes into account that the ITU filing under which a GSO space station operates may be suspended, or even eventually suppressed, if spectrum resources are not used at an orbital location for a long-period of time. Clarifying that GSO licensees will have no longer than one year to bring back into use fallow orbital and spectrum resources will provide a clear path to allowing another operator to apply for and use those orbital resources in order to preserve the status of the ITU filing at the GSO location. We seek comment on these intended purposes and whether the balancing of interests of the proposed rule is appropriate.

63. We also seek comment on any alternatives to the definition of “replacement satellites” established in the *Order*. For example, should the Commission adopt a rule that expressly limits the GSO replacement to situations where a satellite has unexpectedly failed while in-orbit, or the situation where a licensee has been granted a license for a replacement satellite at the location or has already positioned another in-orbit satellite at a location licensed for use by another space station and the in-orbit satellite is capable of

operating using all the licensed frequencies prior to the disposal or relocation of the licensed space station? This alternative would still permit operators to use in-orbit satellites to replace satellites that are disposed of or relocated, but it would eliminate any period where the orbital location and associated spectrum resources would be unused, except in exceptional circumstances where a satellite unexpectedly fails while in orbit. The alternative could provide even greater certainty and speed in making sure that scarce orbital and spectrum resources are utilized to provide service to the public. We seek comment on this specific alternative, as well as any other alternatives.

M. Miscellaneous

64. *U.S.-Based Control Point*. We also seek comment on whether we should require that all space stations licensed by the Commission maintain a U.S.-based control point. We tentatively conclude that we should and we seek comment on this tentative conclusion. We recognize that the current rules require that an operator provide the contact information for a 24/7 point of contact with the authority and capability to cease transmissions, but currently, that point of contact does not themselves need to be the control point for the operations of the entire satellite system. We believe that by requiring a U.S.-based control point, we will enable licensees to be better situated to communicate with one another and respond quickly to potentially hazardous events. What drawbacks or potential burdens does this requirement place on operators? Could those burdens be relieved by third-party control points that have agreements with operators? What benefits are there to this proposal both in terms of impact on space safety and operations, and the impact to the space economy generally? Is there any reason why the Commission would not be able to adopt this proposal, either because of international agreements or limits found in the governing statutes? We tentatively conclude that there are not, but seek comment on this conclusion.

65. *Transfers of Control and Assignments*. As we continue to create efficiencies in our approval processes, we recognize that any market-based approach must establish clear rules regarding transfers of control and assignments of licenses or authorizations. Therefore, we seek comment on ways to make this process more efficient while still ensuring proper oversight of licensees. We note that the Commission already has an

immediate approval process for certain wireless licenses and a deemed-granted process for certain *pro forma* transactions licensed under part 100. Although the rules include deemed granted procedures for certain *pro forma* applications, should we adopt a similar procedure for a broader class of licenses and authorizations, and if so, what category or categories should be included? If so, what restrictions or limitations should we establish to ensure proper oversight? We envision that this process would not be available for any transactions with greater than 10% foreign ownership or that request a waiver of the rules but seek comment on this. Should the rules be modeled after the wireless rules, where specific criteria must be satisfied for an immediate grant? We invite comment on any alternatives to help ease the burdens associated with Commission approval of transfers of control and assignments that would still ensure the Commission maintains effective oversight of who holds or controls a license or authorization.

66. *Removing Application Cross References*. In the *Order*, we adopt rules for application materials which require earth station and space station requests in certain circumstances to submit additional information. Contained in §§ 100.112(d)(3) and 100.120(e), these application requirements cross reference in most instances to subpart C. And in subpart C, the rules discuss what applicants must do or submit as part of the application process. Given that subpart C should ideally contain only operational rules and not application rules, we seek comment on revising the rules to remove these cross references. Given our certification-based approach in which applicants must certify whether they will comply with the Commission’s rules, we propose to convert the application requirements referenced in subpart C into operational rules rather than requiring as part of the application materials all of the showings in these sections in subpart C. Doing this would also allow us to remove all or part of §§ 100.112(d)(3) and 100.120(e) and more fully separate subparts B and C as application- and operation-focused, respectively. We seek comment on such changes. Are there particular sections where we should not make this change? While we may seek comment separately on substantive changes to the relevant rules in subpart C, here we only seek comment on this organizational question. We specifically request comments on the organization of the new part 100 rules so that it is clear to

seasoned applicants and newcomers alike which rules they must follow and what information they must provide as part of an application.

67. *Closing Additional Rulemaking Dockets.* Given the sweeping overhaul of the Commission's space and earth station licensing rules that we adopt in the *Order*, as well as the broad set of topics on which we seek comment in the *FNPRM*, we tentatively conclude that it would be administratively efficient and prudent to close additional dockets related to satellite and earth station rulemakings that are moot or otherwise unnecessary. Are there additional open dockets related to space and earth station licensing that the Commission should close? There may be dockets where no further action was proposed, where the docket is largely superseded by the *Order*, or where the issues remaining in the docket are better addressed in this proceeding. For example, we believe the Commission's docket on orbital debris should be closed because those issues are better addressed in the *FNPRM*, and therefore we propose to close it. We also propose, given the overhaul of our rules in part 100, to close the various dockets related to streamlining the Commission's space and earth station rules. We seek comment broadly on any other open Commission dockets that the Space Bureau could close. We encourage commenters to identify open Commission dockets that they believe should be closed, with specific reasons. We also encourage commenters to identify open Commission dockets related to space and earth station licensing that they believe should be kept open, with specific reasons for doing so.

68. *Processing Rounds.* We propose to modify the date on which a processing round's priority status begins under the NGSO spectrum sharing framework. Specifically, we propose to standardize the priority start date so that the ten-year priority period associated with a processing round begins on January 1st of the following year. This more uniform approach aims to help NGSO satellite systems authorized in different processing rounds more clearly understand the time periods during which they are protected from later-round systems and must protect earlier-round systems. As an example, the priority status for all NGSO satellite systems authorized to operate in a 2027 processing round would begin on January 1, 2028 and these systems would have priority over systems authorized subsequent processing rounds until January 1, 2038. We seek comment on this proposal. Does this

approach provide more clarity on the sunset periods for priority status afforded through the processing round procedures? Should we instead begin the sunset period on a different date? We seek comment on any alternative suggestions to similarly improve and refine the rules within these frameworks.

69. We also seek comment on whether the Commission should adopt standardized performance measures for systems authorized in processing rounds. For example, should systems authorized in processing rounds be required to meet benchmarks of latency, signal to noise ratio (SNR), and/or spectral efficiency? Are there other measurements the Commission should consider? Would requiring performance measures further the Commission's goal of promoting innovation, or would they risk regulatory overreach and overburden innovators?

70. *Export Control Compliance.* We seek comment on whether and how our part 100 rules should expressly address obligations under U.S. export control laws, including, as applicable, the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR), in connection with space station and earth station licensing. Should we require applicants to certify, as part of their applications, that they are aware of and will comply with all applicable export control requirements in the design, manufacture, launch, operation, and control of their systems and in any transfers of hardware, software, technical data, or services to foreign persons? We also seek comment on whether we should require licensees to maintain, and upon request make available to the Commission, records sufficient to demonstrate compliance with applicable export control laws as they relate to Commission-authorized operations.

71. We further seek comment on whether we should adopt specific rules governing the interaction between export control requirements and the Commission's licensing processes, including for transfers of control and assignments of space and earth station authorizations. For example, should we require applicants seeking Commission consent to assignments or transfers of control that involve foreign ownership to disclose whether the proposed transaction will require approval from other federal entities with export control or national security responsibilities, and if so, the status of any such reviews? Should we condition grants of certain authorizations or transfers of control on an applicant's representation that it has

obtained, or will obtain prior to implementation, any necessary export control licenses or other governmental approvals?

72. We also seek comment on whether any additional safeguards are needed in light of export control considerations for U.S.-based control points and third-party control arrangements discussed above. For instance, should we require that entities operating a U.S.-based control point or providing third-party control services have policies and procedures reasonably designed to ensure compliance with applicable export controls when providing access to foreign persons, including access to command-and-control systems or related technical data? Would such requirements impose significant burdens on operators or control service providers, and if so, how might those burdens be minimized while still ensuring appropriate oversight? Commenters are invited to address any potential overlap with existing statutory or regulatory regimes, to identify any risk of duplication or inconsistency, and to explain whether explicit Commission rules in this area would improve clarity and compliance for licensees, authorized holders of U.S. market access and other stakeholders.

73. *GSO Streamlining.* We seek comment on modernizing, streamlining, and expediting our processing of GSO space station applications. We anticipate our GSO application processing frameworks would benefit from structural updates and seek comment on ways to promote innovation and competition among GSOs and implement faster, more automated processing for GSO applications.

74. *Cybersecurity.* We seek comment on whether there is a need to incorporate cybersecurity requirements in our satellite licensing processes, including any benefits and burdens associated with such a requirement. Are there national security reasons for the Commission to gather information about or make specific requirements related to cybersecurity practices of satellite operators? If so, what information would be relevant? Observing that other federal agencies already collect information related to national security, would such a requirement in our license processes complement or duplicate requirements that already exist?

75. *Best Practices for Coexistence with Radio Astronomy.* We seek comment on incorporating into our rules bright-line criteria and best practices for coordination with U.S. radio astronomy sites. These criteria could include any required protection limits, to the extent

they continue to be necessary, as well as any necessary specified operational limits and information sharing requirements for earth and space station operators to protect and coordinate with U.S. radio astronomy sites. This would facilitate the space and earth station application process by having all radio astronomy requirements in one section. Specifically, we seek comment on (1) the existing PFD limits to be achieved in specific geographic areas around U.S. radio astronomy sites, whether those limits are necessary to protect these sites, and any detrimental impact of these limits, and (2) to the extent we retain PFD limits, using detailed contours in different frequency bands that contain the limits. Outside of the locations specified in these contours, space station and earth station operators could operate in accordance with other relevant technical rules without causing interference to radio astronomy sites. If applicants plan to place any earth stations inside of the locations specified in these contours, the operator would be required to coordinate or demonstrate compliance with any adopted or retained protection requirements. Such a bright-line approach could streamline coordination with the National Science Foundation and U.S. radio astronomy sites by limiting the area where coordination is normally required to very small geographic areas and help avoid inadvertent, harmful interference. Additionally, we seek comment on a list of best practices regarding unwanted radio frequency emissions at U.S. radio astronomy sites. Specifically, we seek comment on whether to include a recommendation that space station applicants include a characterization (via modeling or measurements) of their emissions in the 50–200 MHz range from all sources which can impact cosmic microwave background radiation, including whether such recommendation would have any inadvertent negative effects and whether it would help to prevent interference. We also seek comment on whether to require applicants to submit a summary of any other mitigation steps taken to reduce potential interference from space-to-Earth satellite transmissions and whether such summary is necessary to prevent interference. We note that there has been an extensive track record of successful implementation of mitigation techniques including the use of operational data sharing to avoid boresight encounters at radio astronomy telescopes, or the provision of high-precision ephemerides and other orbital information for radio telescopes to utilize in their scheduling algorithms to

avoid the satellites. We seek comments on these approaches. Is there a technical basis for adopting bright-line criteria or information requirements regarding mitigation efforts to protect radio astronomy, or any countervailing considerations? Or should we consider information requirements for applicants to facilitate coordination with radio astronomers? Are there specific mitigation techniques that we should adopt as bright-line criteria that can receive the public interest presumption?

VI. Initial Regulatory Flexibility Analysis

76. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Further Notice of Proposed Rulemaking (FNPRM)* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *FNPRM*. The Commission will send a copy of the *FNPRM*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

77. In the *Order* adopted today, the Commission took steps to modernize our part 100 rules to establish a regulatory framework that provides a more efficient, predictable and flexible environment for the commercial space industry by creating a space “licensing assembly line.” In the *FNPRM*, the Commission seeks to identify additional areas in which we can further modernize our rules for small and other entities operating in this sector. Specifically, we initiate a further rulemaking proceeding seeking comment on its proposals to refine the operational rules in part 100, subpart C to build “operational envelopes” within which licensees will have greater flexibility. Rather than requiring applicants to specify exact technical or operational parameters in their applications, which may require multiple modifications or amendments as operations change, operational envelopes would allow applicants to request broader authority and change

operations within that envelope without further permission from the Commission. This approach could have considerable benefits by allowing applicants more flexibility in designing and operating their systems without the need for additional authorization from the Commission. Therefore, in addition to other topics discussed below, we seek comment in the *FNPRM* on how we might create such operational envelopes. While we primarily seek specific comment on certain specific questions and proposals, we also seek general comment on revising our operational rules to promote flexibility and “operational envelopes.”

B. Legal Basis

78. The proposed action is authorized pursuant to sections 4(i), 7(a), 301, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, U.S.C. 154(i), 157(a), 301, 303, 307, 308, 309, 310, 332.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

79. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

80. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and

not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special

districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

81. The rules proposed in the *FNPRM* will apply to small entities in the industries identified in the charts below

by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	1,184	1,081	91.30
Satellite Telecommunications	517410	\$44 million	332	195	58.73
All Other Telecommunications	517810	\$40 million	1,673	1,007	60.19

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

82. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

83. The *FNPRM* proposes a strategy to create operational envelopes that would allow applicants to request broader authority and change operations within that envelope without further permission from the Commission. This new approach is expected to reduce administrative work requirements and delays, making the licensing process more flexible and easier for companies to plan around, which will benefit small entities. Cost savings for small entities will result from removing repetitive paperwork, simplifying forms, reducing the need for special temporary authority (STA) and waiver requests, and also allow for future automation. Further, because the proposed process is less cumbersome and more straightforward, it is likely that small entity applicants will not need to hire lawyers or engineers for routine filings, although more complex cases may still require professional assistance.

84. *Part 100 Commercial Experimental.* In the *FNPRM*, the Commission also proposes to create a new type of space and earth station license under part 100 for developing or experimental technologies. This part 100 experimental or developmental

license would provide companies with a clear and predictable pathway to a short-term license for the purpose of testing new technology or providing proof of concept before moving to commercial operations. We believe that this would increase the Commission’s administrative efficiency by bringing all space and earth station licensing under the purview of the Space Bureau instead of sometimes requiring applicants to interface with both the Office of Engineering and Technology (OET) for part 5 applications and the Space Bureau for part 25 applications. This organizational simplification should lead to efficiency benefits for small entities.

85. The Commission also proposes to limit the license term for a part 100 experimental license to two years. We believe this provides licensees with sufficient time to test and validate their technology while remaining short enough to require less intensive review. We also propose to allow up to one renewal for a length of up to two years. Additionally, we propose to require operations under a part 100 experimental license to be conducted on an unprotected and non-interference basis, and not to place applications for a part 100 experimental license on public notice. Further, we propose to require applicants for a part 100 experimental license to certify that operations under the license will not be for commercial purposes but only be for the purpose of testing, experimentation, demonstration, or validation. Lastly, we propose to create a process by which a part 100 experimental license may be converted to a regular part 100 license upon request by the licensee and action by the Commission.

86. *NGSO Call Sign Merging.* In the *FNPRM*, the Commission proposes to allow Non-Geostationary Satellite Orbit (NGSO) satellite system operators to combine authorized satellites currently operating under multiple call signs into one NGSO satellite system under one call sign. We believe that this could help applicants simplify the number of licenses that must be maintained and also provide greater flexibility and modularization, all of which would create efficiencies that would benefit small entities.

87. *Earth Stations.* We seek comment on ways in which we can update and revise the licensing process for earth stations, specifically on establishing a specific definition for “site” as it relates to earth stations and establishing a definition in our rules for User Terminals that matches what we stated in the *Order*. We also seek comment on how we should revise the Earth Station in Motion (ESIM) definitions, technical rules, and limitations to better account for today’s reality and whether there are ways in which we can condense and streamline the number of different types of earth stations that exist in our rules. We seek comment on whether we should align our rules for earth stations with the part 2 rules, whether we should retain our rules relating to receive-only earth stations, and whether we should allow applicants who require a waiver to apply for a Nationwide, Non-Site license.

88. *Modifications.* The Commission seeks comment on whether we should allow space station licensees to change or add radiofrequency (RF) sensing capabilities through a minor modification notification process instead of requiring a major modification application.

89. *Hosted Space Stations.* We seek comment on whether to extend the framework adopted in the *Order* for U.S.-licensed hosted space stations onboard U.S.-licensed host spacecraft to non-U.S.-licensed hosted and host space stations.

90. *Ephemeris Data Sharing and Reporting.* In the *Order*, we take a meaningful step towards enhancing space safety by requiring licensees and market access grantees to share their ephemeris data. We seek comment now on potential future requirements for ephemeris sharing to enhance space safety. We also seek comment on creating a process whereby the Space Bureau could certify qualified, private ephemeris tracking systems as sufficient for the purpose of complying with our rules on ephemeris sharing.

91. *Inter-Satellite Service Links (ISLs) Between U.S.-Licensed and Non-U.S.-Licensed Satellites.* Currently, the Commission does not have rules for the licensing of communications via inter-satellite service links between U.S.-licensed and non-U.S.-licensed space stations or spacecraft. We recognize that these types of operations could pose security risks. We therefore seek comment on the types of issues that the Commission should be concerned with and how to address them. We also seek comment on the most appropriate mechanism for licensing these inter-satellite links.

92. *Frequency Reuse.* Section 100.211(d) of the Commission rules requires all space stations in the Fixed-Satellite Service (FSS) operating in any portion of the 3600–4200 MHz, 5091–5250 MHz, 5850–7025 MHz, 10.7–12.7 GHz, 12.75–13.25 GHz, 13.75–14.5 GHz, 15.43–15.63 GHz, 17.3–17.8 GHz, 18.3–20.2 GHz, 24.75–25.25 GHz, or 27.5–30.0 GHz bands, including feeder links for other space services, and in the Broadcasting-Satellite Service (BSS) in the 17.3–17.8 GHz band (space-to-Earth), shall employ state-of-the-art full frequency reuse, either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams. Given the growth in the use of spectrum by the FSS and BSS, we seek comment on requiring full frequency reuse for all FSS and BSS operations in bands allocated to FSS and BSS as a general rule instead of just the bands listed above.

93. *Orbital Debris Mitigation.* We seek comments on requiring spacecraft monitoring and collision avoidance capabilities for each spacecraft in Low Earth Orbit (LEO) throughout its orbital lifetime, including end-of-mission, until re-entry. Beyond LEO, section 100.111(c)(2) requires NGSO satellites to

be 10 cm or larger in the smallest dimension in order to be trackable. In light of the number of spacecraft going beyond LEO and to maintain a safe operating environment, we seek comment on requiring spacecraft going, or intending to go, beyond LEO to be 1 meter or larger in the smallest dimension.

94. *Two-Degree GSO Spacing Requirements.* We seek comment on whether any updates to the current FSS Earth Station Performance Standards are necessary, including whether the current rule covers all current and possible future antenna types, frequency bands, and any other pertinent addition or clarification to bring the rule up to date. We also seek comments on whether updates are needed to the current FSS Transmitting Earth Station Off-Axis Effective Isotropic Radiated Power (EIRP) rule to accommodate current and future sharing of the Geosynchronous Orbit (GSO) arc, whether additional bands need to be included, and any other pertinent addition or clarification necessary to the rule.

95. *Secondary Markets.* In the *Order*, we adopt a framework for processing rounds. This framework will result in clearly defined status across systems, and it appears that processing round status can have a quantifiable impact on operations. Therefore, we seek comment on the possibility of licensees or market access holders exchanging processing round status, via secondary markets.

96. *Renewal and Replacement Expectancies and Reassignment.* In the *Order*, we establish a definition for replacement satellites. In the *FNPRM*, we seek comment on establishing renewal and replacement expectancies and explore the differences between NGSO and GSO satellites that affect renewal and replacement expectancies. We seek additional comment on whether it is possible to establish a unified rule for renewals of space and earth station licenses. There is currently regulatory uncertainty that arises when a GSO space station licensee disposes or relocates an in-orbit satellite and does not immediately surrender the license or place another satellite into the vacated orbital location that uses all the spectrum resources that were licensed for use by the satellite that was disposed or relocated. We propose a rule that would automatically make the orbital and spectrum resources available for reassignment unless the licensee has already put into place a new replacement satellite at the location, or within a year of the date of the disposal or relocation has relocated another in-orbit satellite to utilize all frequencies

that we authorized for use by the disposed or relocated satellite at the orbital location. If neither condition is met, we propose that the Space Bureau will release a public NPRM making the orbital location and any unused frequencies available for reassignment and establishing a date and time that new applications will be accepted.

97. *Miscellaneous.* In addition to the specific proposals in the *FNPRM*, we also seek comment on a number of open questions concerning a variety of topics for which the *FNPRM* contains no specific proposals, including revising the licensing process for earth stations and whether, and how, the Commission should adopt more structured renewal and replacement expectancy frameworks for satellite and earth station authorizations. Small entities are encouraged to bring to the Commission's attention any proposals they may have on the topics on which comments are solicited in the *FNPRM*.

98. *U.S.-Based Control Point.* We seek comment on whether we should require that all satellites, spacecraft, or space stations licensed by the Commission have a U.S.-based control point. We tentatively conclude that we should and seek comment on this tentative conclusion.

99. *Transfers of Control and Assignments.* As we continue to create efficiencies in our approval processes we recognize that any market-based approach must establish clear rules regarding transfers of control and assignments of licenses. Therefore, we seek comment on ways to make this process more efficient while still ensuring proper oversight of licensees.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

100. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

101. If adopted, the new framework proposed in the *FNPRM* could lessen the economic and administrative burdens of the licensing process and the operational requirements for space and earth station operators. Specifically, the *FNPRM* proposes to create “operational envelopes” that would allow applicants to request broader authority and change operations within that envelope without further permission from the Commission. This proposal is intended to significantly reduce repetitive paperwork, decrease the need for STA and waiver requests, and allow for future automation. In addition, this proposal is designed to continue the Commission’s efforts to simplify the overall application process for small and other space and earth station operator entities. The *FNPRM* seeks comment on each proposed rule, as well as on the operational envelope framework in general, as to whether the Commission’s proposed revisions would provide the intended increased speed, predictability, and clarity for applicants. The proposed revisions, if adopted, would ultimately provide benefits for space and earth station operators, of all sizes, in the long term.

102. Small entities also stand to realize economic benefits from efficiencies arising from other licensing simplification and liberalization proposals in the *FNPRM*. These include allowing NGSO call sign merging, allowing space station licensees to change or add RF sensing capabilities through a minor modification notification process, extending the framework for U.S.-licensed hosted space stations to non-U.S.-licensed space stations, creating a process for certification of ephemeris tracking systems, creating a framework for licensing communications via inter-satellite service links between U.S.-licensed and non-U.S.-licensed space stations, permitting licensees or market access holders to exchange processing round status via secondary markets, reforming the process for transfers of control and assignments of licenses, allowing for use of the Nationwide, Non-Site license process if certain waivers are present, and proposing revisions to streamline many earth station definitions. In addition, our proposed rule on GSO orbital slot reassignment may benefit small, newer businesses that will be able to apply for and use orbital resources that another operator has abandoned.

103. The *FNPRM* also contains several proposals to modernize the regulatory environment in ways that stand to benefit the entire space industry, including small entities, by ensuring

safety and stability of all operations licensed by the Commission. These include proposals to require full frequency reuse for all FSS and BSS operations in bands allocated to FSS and BSS, to mitigate orbital debris, to update two-degree GSO spacing requirements, and to require that all satellites, spacecraft, or space stations licensed by the Commission have a U.S.-based control point.

104. In determining its proposals in the *FNPRM*, the Commission considered alternative proposals that could minimize significant economic impact on small entities. For example, our proposed rules tentatively conclude that satellites, spacecraft, or space stations licensed by the Commission have a U.S. based control point. Alternatively, we considered potential burdens of this proposal’s requirements on operators and whether those burdens could be relieved by third-party control points that have agreements with operators. In addition, as discussed above, we propose the creation of a framework for licensing communications via inter-satellite service links between U.S.-licensed and non-U.S.-licensed space stations. We considered alternative proposals such as requiring a modification application that outlines the ownership and operations of the non-U.S.-licensed system or whether the U.S.-licensed system should simply file a notification prior to beginning operations that identifies the foreign satellite system. Small entities are encouraged to bring to the Commission’s attention any specific concerns that they may have with the proposals outlined in the *FNPRM*.

105. In addition, small entities are encouraged to bring to the Commission’s attention any alternative proposals they may have on the topics for which the *FNPRM* contains no specific proposals so that the Commission may benefit from their insight into the impact on small entities as this proceeding progresses. These include such areas as revising the licensing process for earth stations and whether, and how, the Commission should adopt more structured renewal and replacement expectancy frameworks for satellite and earth station authorizations. The Commission expects to consider more fully the economic impact on small entities following its review of comments filed in response to the *FNPRM*, including costs and benefits information.

Alternative proposals and approaches from commenters could also help the Commission further minimize the economic impact on small entities.

106. The Commission’s evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities from the final rules that are ultimately adopted.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

107. None.

V. Ordering Clauses

108. *It is ordered*, pursuant to sections 4(i), 4(j), 7(a), 301, 303, 307, 308, 309, 310, 312, 316, 332 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 157(a), 301, 303, 307, 308, 309, 310, 312, 316, 332, that the *FNPRM* is adopted.

109. *It is further ordered* that the Office of the Secretary, *shall send* a copy of the *FNPRM*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–21818 Filed 10–23–26; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; FCC 26–67; FRS 373557]

Modernizing the Ability of Consumers To Control Robocalls

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on measures to ensure that the Telephone Consumer Protection Act (TCPA) rules that govern robocalls continue to evolve with changes in technology and industry practices. Specifically, we seek comment on reducing the timeframe callers must honor revocation requests, requirements for two-way texting functionality, requiring a revoke all method, and the treatment of affiliates.

DATES: Comments are due on or before November 25, 2026, and reply comments are due on or before December 28, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section of this document. Submit comments identified by CG Docket No. 02–278, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs>. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- *Accessible Formats:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) or to request reasonable accommodations (e.g. accessible format documents, sign language interpreters, CART), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

FOR FURTHER INFORMATION CONTACT:

Contact Richard D. Smith
Richard.Smith@fcc.gov, Consumer and Governmental Affairs Bureau, (717) 338–2797.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Further Notice of Proposed Rulemaking (FNPRM), in CG Docket No. 02–278, FCC 26–67, adopted September 30, 2026 and released on October 1, 2026. The full text of this document is available for public inspection during

regular business hours at Commission's headquarters 45 L Street NE, Washington, DC 20554 or at the following internet address: <https://docs.fcc.gov/public/attachments/FCC-26-67A1.pdf>.

Synopsis

I. Further Notice of Proposed Rulemaking

We seek further comment on additional revisions to our TCPA rules that can ensure these rules continue to evolve with changes in technology and industry practices.

A. Joint Letter

On June 30, 2026, American Bankers Association, National Consumer Law Center, and ACA International filed a joint letter expressing concerns with the Commission's TCPA Consent Order, published at 89 FR 82518 on October 11, 2024, and proposing additional revisions to our TCPA rules. As discussed in greater detail below, we seek comment on these proposals including reducing the timeframe to honor revocation requests, requiring two-way texting to facilitate revocation requests made in response to text messages, requiring a “revoke all” method, and how revocation requests should apply to affiliates, separate lines of business, or divisions of entities of which such businesses are a part.

B. Timeframe for Honoring Revocation Requests

We seek comment on whether to reduce the timeframe for callers to honor revocation requests. Consumers are understandably frustrated when they continue to receive robocalls after revoking consent. Such delays also undermine a consumer's right to determine which robocalls that they wish to receive under the privacy protections afforded by the TCPA. Our rules currently provide that callers must honor revocation of consent requests within a reasonable time from the date that the request is made, not to exceed ten business days after receipt of the request. In adopting this timeframe, the Commission noted that advances in technology over time, including the use of automated and interactive technologies, makes the processing of revocation requests more efficient and timely and reserved the right to adjust this timeframe as necessary.

Because callers may now designate an exclusive, automated means by which consumers must revoke consent, we seek comment on whether they can now process revocation requests more quickly and efficiently. As a result, we seek comment on whether to reduce the

maximum timeframe for honoring revocation requests. For example, the Joint Letter suggests reducing the deadline to seven business days unless the caller demonstrates that processing a revocation beyond seven business days is reasonable. Is that a reasonable timeframe for callers to process revocation requests? Should the timeframe vary between those callers that designate an exclusive means to revoke consent and those that do not? Would varying timeframes result in consumer confusion? We seek comment on the cost and benefits to reduce the maximum timeframe for honoring revocation requests including ways to minimize any burdens on smaller entities subject to this obligation. We seek comment on these and any other issues relevant to this issue.

C. Two-Way Texting

We seek comment on whether to eliminate the provision from § 64.1200(a)(10) of the Commission's rules that allows text senders to use a texting protocol that does not allow consumers to revoke consent by reply text. Our rules currently permit text senders to utilize a texting protocol that does not allow for reply texts when the text sender: (1) provides a clear and conspicuous disclosure in each text to the consumer that two-way texting is not available due to technical limitations of the texting protocol; and (2) clearly and conspicuously provides in each text a reasonable alternative method for a consumer to revoke consent, such as a telephone number or website.

In the 2024 TCPA Consent Order, the Commission concluded that while there is no mandate that texting parties transmitting an autodialed text message must provide consumers with any specific means to revoke consent, such as through reply texts, that two-way texting is a reasonable and widely recognized means for text recipients to revoke prior express consent. In the Joint Letter, ABA, NCLC, and ACA International propose a rule amendment that would remove the provision from our rules that allows text senders to use one-way texting protocols by providing an alternative means in each text to revoke consent.

We seek comment on whether to require senders of text messages subject to § 64.1200(a)(10) to provide recipients with the ability to use reply texts to revoke consent. In that regard, we seek comment on the extent to which text senders currently use texting protocols that do not allow for reply texts. Are one-way texting protocols used primarily for informational and

notification purposes or are they also used for telemarketing and advertising? Should we consider allowing one-way texting for informational messages and require two-way texting only on text messages that include an advertisement or telemarketing? To what extent would requiring the use of two-way texting protocols enhance the ability of text recipients to more easily revoke consent to unwanted text messages by replying to the text? Conversely, to what extent would eliminating the ability of text senders to use one-way texting protocols increase compliance burdens or interfere with the ability to communicate with consumers? We seek comment on these and any other related issues including how we might minimize any compliance burdens for small entities as well as public institutions, such as schools that currently use one-way texting services.

D. Revoke All Method

We seek comment on whether callers should be allowed to treat a revocation request as applying to the type of call that prompted the revocation only if the caller provides a “method to revoke consent for all types of messages for which consent is required.” We also seek comment on whether we should require any such “revoke all” mechanism to be automated, and, if so, what specific forms such an automated mechanism should take. In light of our rule change allowing callers to interpret a revocation request as applying only to the specific category of informational robocalls to which the revocation was directed, we seek comment on whether consumers would benefit from a one-step option to stop all future robocalls. If so, we seek comment on what methods should be mandated and how such requirements could be designed to minimize compliance burdens, including on small entities. We also seek comment on EEI’s request for clarification that revocation requests apply only to the telephone number for which consent has been revoked rather than extend to all telephone numbers associated with a customer’s account. In that regard, we seek comment on whether this request is consistent with the TCPA’s reference to obtaining consent of the “called party” and Commission precedent.

Alternatively, we seek comment on whether the potential compliance burdens and risk of inadvertent revocation of consent to calls that they may wish to receive outweigh any such benefits and therefore should counsel against adopting such a requirement. To what extent does our clarification that revocation requests made in response to

robocalls with an advertisement or that constitute telemarketing revoke consent to all similar robocalls from that caller address concerns that consumers will be burdened with multiple revocation requests? We seek comment on whether limiting this situation to informational calls adequately mitigates those concerns. In addition, we note that one commenter opposes any requirement to provide a method to revoke consent to all calls arguing that such a requirement is not required by the TCPA and would impose significant burdens on callers. To the extent that the Joint Letter proposes revocation methods that effectively treat a customer’s failure to respond to communications intended to clarify a revocation request as a revocation of consent for all future robocalls, we seek comment on concerns that this is an overly broad approach that may not reflect customer intent. We seek comment on these and any other related issues in this context.

E. Affiliates and Separate Lines of Businesses or Divisions

We seek comment on whether further specificity is useful to clarify the application of the TCPA’s consent and revocation requirements where an entity operates through separate affiliates, lines of business, or divisions. We note that our current rules for exempted calls to residential telephone lines and telemarketing calls provide that “[i]n the absence of a specific request by the subscriber to the contrary, a residential subscriber’s do-not-call request shall apply to the particular entity making the call (or on whose behalf a call is made), and will not apply to affiliated entities unless the consumer reasonably would expect them to be included given the identification of the caller and (for telemarketing calls) the product being advertised.”

We seek comment on whether we should modify this existing standard or provide more specific guidance. If so, we seek comment on the form of such guidance. We also seek comment on whether this rule or a modified rule should be expanded to encompass all robocalls rather than limited to exempted and telemarketing calls. In that regard, we note that financial and consumer groups have suggested that we adopt a new rule governing affiliates and separate lines of businesses or divisions. We seek comment on these and any other issues related to this matter.

F. Other

We seek comment on whether there are any additional changes that we should consider to our rules that govern

revocation of consent in light of changes in technology and industry practices including any proposals contained in the Joint Letter or EEI Ex Parte not referenced above. For example, we note that the Joint Letter proposes to reduce the list of standardized words that can be used to revoke consent, eliminates the rebuttable presumption analysis contained in the current § 64.1200(a)(11) of the Commission’s rules to determine whether a reasonable revocation method has been used when a caller has not designated an exclusive means to revoke consent, and allow callers to make a confirmation call or text in response to a revocation request. In addition, Vibes requests that text senders be allowed to request clarification of the category of message from which the consumer intended to revoke consent in a confirmation text message. We seek comment on these and any other issues relevant to this matter.

II. Procedural Matters

G. Paperwork Reduction Act Analysis

The FNPRM may contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on these information collection requirements, as required by the PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

H. Ex Parte Rules

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. 47 CFR 1.1200 through 1.1216. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission’s rules, 47 CFR 1.1206(b).

I. Providing Accountability Through Transparency Act

Consistent with the Providing Accountability Through Transparency

Act, Public Law 118–9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Further Notice of Proposed Rulemaking (FNPRM) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified in the **DATES** section of this document. The Commission will send a copy of the FNPRM, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the FNPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

In the FNPRM, the Commission seeks to update various TCPA rules that govern consumer's revocation of consent to receive robocalls. This FNPRM seeks comment on reducing the maximum timeframe for honoring revocation requests, requiring the use of two-way texting protocols that allow consumers to revoke consent via reply text message, offering a means to revoke

consent to all robocalls, and providing greater specificity to affiliates. Our objective is to ensure that our rules reflect advances in technology and regulatory changes that permit callers to process revocation requests in a timely and cost efficient manner to ensure that consumers can exercise their right to control which robocalls they wish to receive.

B. Legal Basis

The proposed action is authorized pursuant to sections 1–5, and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 151–155, and 227.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards

for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules proposed in the FNPRM will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percentage small firms
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite)	517112	1,500 employees	1,184	1,081	91.30
Commercial Banks	522110	\$850 million in assets ..	3,917	2,897	73.96
Credit Unions	522130	\$850 million in assets ..	4,411	3,671	83.22
Savings Institutions and Other Depository Credit Intermediation	522180	\$850 million in assets ..	569	375	65.91
Sales Financing	522220	\$47 million	2,180	1,690	77.52
Consumer Lending	522291	\$47 million	2,918	2,292	78.55
Mortgage and Nonmortgage Loan Brokers	522310	\$15 million	4,603	3,966	86.16
Offices of Real Estate Agents and Brokers	531210	\$15 million	150,558	100,559	66.79
Marketing Consulting Services	541613	\$19 million	50,507	34,127	67.57
Other Services Related to Advertising	541890	\$19 million	7,067	4,850	68.63
Facilities Support Service	561210	\$47 million	2,941	2,402	81.67
Telemarketing Bureaus and Other Contact Centers	561422	\$25.5 million	2,380	1,798	75.55
Collection Agencies	561440	\$19.5 million	2,549	1,827	71.68
Schools	611110	\$20 million	14,088	14,087	99.99
Offices of Physicians Except Mental Health Specialists	621111	\$16 million	138,120	104,486	75.65
Offices of All Other Miscellaneous Health Practitioners	621399	\$10 million	29,775	18,206	61.15
General Medical and Surgical Hospitals	622110	\$47 million	2,280	501	21.97
Business Associations	813910	\$15.5 million	14,599	13,134	89.97

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2025 Universal Service Monitoring Report telecommunications service provider data (data as of December 2024)	SBA size standard (1,500 employees)		
	Total number FCC Form 499A filers	Small firms	Percentage small entities
Affected entity			
Competitive Local Exchange Carriers (CLECs)	4,049	3,853	95.16
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	920	78.30
Interexchange Carriers (IXCs)	112	92	82.14
Local Exchange Carriers (LECs)	5,224	4,773	91.37
Operator Service Providers (OSPs)	26	24	92.31
Other Toll Carriers	72	69	95.83
Paging & Messaging	56	56	100.00
Payphone Service Providers	25	24	96.00
Prepaid Card Providers	47	45	95.74
Telecommunications Resellers	655	630	96.18
Wired Telecommunications Carriers	4,971	4,531	91.15
Wireless Telecommunications Carriers (except Satellite)	608	522	85.86
Wireless Telephony	336	262	77.98

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

In this FNPRM, we seek comment on whether to reduce the maximum timeframe for callers to honor revocation requests. This may require callers to take compliance measures to ensure that revocation requests are processed within a shorter timeframe than under our current rules. We have also sought comment on eliminating the existing rule provision that allows text senders to utilize one-way texting protocols that do not allow for reply text messages by disclosing this limitation and providing a reasonable alternative way for a consumer to revoke consent. Eliminating this provision may require some text senders to change their current texting protocol to a two-way texting protocol that allows for reply text messages. We also seek comment on whether to require callers to offer a means to revoke consent to all robocalls including whether the compliance burdens outweigh benefits. These may entail some compliance burdens and costs on small entities if adopted such as requiring callers to alter existing communications systems to accommodate these requirements. In this FNPRM, we specifically seek comment on these compliance burdens that may impact small entities.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

In this FNPRM, we seek comment on alternatives that minimize the economic impact of any rule medication on small entities. For example, we seek comment regarding whether the timeframe for honoring revocation requests should vary between those callers that designate a method to revoke consents and those that do not. This may lessen the compliance burdens on smaller entities by reducing the timeframe only in those instances in which the caller has designated the method to revoke consent and thereby avoid the necessity to process all reasonable revocation requests. We have also sought comment on whether only those text senders that send messages containing telemarketing should be required to utilize two-way texting protocols. This would allow interested parties, including smaller entities, that use one-way text

messaging for informational and notification purposes to continue doing so without the necessity to change to a two-way texting protocol. Finally, we seek comment on the compliance burdens associated with requiring callers to provide a means for consumers to revoke consent to all robocalls including ways to minimize the burdens on smaller entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2026–21820 Filed 10–23–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2026–1519]

RIN 2127–AM70

Federal Motor Vehicle Safety Standards; Modernization of FMVSS No. 108 To Accommodate ADS-Equipped Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: NHTSA is proposing to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, “Lamps, reflective devices, and associated equipment.” The proposed updates to the standard are intended to remove unnecessary requirements and to provide design flexibility without impact on vehicle safety. The first two proposed changes would amend the test voltage specification for integral beam type headlamps and remove requirements that apply to vertical headlamp arrangements. Further proposed changes address vehicles equipped with Automated Driving Systems (ADS) that do not have manually operated driving controls. Those modifications would limit the application of certain requirements for manually operated turn signal, hazard warning signal, and beam switching controls to vehicles with manually operated driving controls. The changes are intended to address regulatory burdens and costs associated with equipment that does not fulfill the same purpose or provide safety benefits in an ADS-equipped vehicle without manually operated driving controls as in a vehicle with such controls. The changes would also narrow certain requirements for telltales to vehicles with manually operated driving controls and incorporate the term “telltale” where appropriate throughout the standard. Finally, a proposed addition to the standard would allow cyan-colored ADS marker lamps as optional motor vehicle lighting equipment in ADS-equipped vehicles.

DATES: Comments should be submitted no later than November 25, 2026.

ADDRESSES: You may submit comments identified by the docket number in the heading of this document through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any

personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of NHTSA’s dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

Confidential Business Information: If you claim that any of the information in your comment (including any additional documents or attachments) constitutes confidential business information within the meaning of 5 U.S.C. 552(b)(4) or is protected from disclosure pursuant to 18 U.S.C. 1905, please see the detailed instructions given under the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Ms. Lina Valivullah, Office of Automation Safety; Telephone: 202–366–1810; Email: Lina.Valivullah@dot.gov; Facsimile: 202–493–2739 or Mr. Gerald Devries, Office of Crash Avoidance, Rulemaking; Telephone: 202–366–1810; Email: Gerald.Devries@dot.gov; Facsimile: 202–493–2739. For legal issues, you may contact Mr. David Jasinski, NHTSA Office of the Chief Counsel, Email: David.Jasinski@dot.gov. The mailing address of these officials is: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

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VI. Public Participation

I. Executive Summary

NHTSA proposes to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, “Lamps, reflective devices, and associated equipment.” FMVSS No. 108 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (except pole trailers and trailer converter dollies), and motorcycles; certain retroreflective sheeting and reflex reflectors; and lamps, reflective devices, and associated equipment for replacement of like equipment on vehicles to which the standard applies. In an effort to enable innovation and to provide flexibility in vehicle design, the proposed modifications would: (1) update requirements related to headlamp test voltage; (2) provide flexibility for headlamp upper and lower beam mounting arrangements; (3) narrow the application of certain requirements for manually operated turn signal, hazard warning signal, and beam switching controls to vehicles with manually operated driving controls; (4) narrow certain requirements for telltales to vehicles with manually operated driving controls and incorporate the term “telltale” where appropriate throughout the standard; and (5) allow for equipping vehicles with automated driving system (ADS) marker lamps and standardizing their performance.

First, FMVSS No. 108 currently requires headlamps in all vehicles for which it applies, except trailers, to meet the applicable performance requirements when tested at 12.8 volts. NHTSA proposes to revise the test voltages for integral beam headlamps. Because the market has moved to integral beam headlamps, NHTSA is proposing to eliminate standardized voltage for those lamps. The need for readily available replacement lamps, as a routine maintenance item, is limited compared to when this requirement was put into place. Other headlamp types such as replaceable bulb headlamps and sealed beam headlamps would continue to be tested at 12.8 volts.

Second, FMVSS No. 108 states that where upper and lower beams are installed in a vertical orientation, the lower beams must be provided by the uppermost headlamp.¹ NHTSA proposes to remove the current requirements associated with vertical

¹ In FMVSS No. 108, *upper beam* means a beam intended primarily for distance illumination and for use when not meeting or closely following other vehicles. *Lower beam* means a beam intended to illuminate the road and its environs ahead of the vehicle when meeting or closely following another vehicle.

headlamp arrangements. The minimum and maximum mounting height requirements for headlamps would be unaffected by the removal of the vertical arrangement requirements. Considering advancements in lighting technology, NHTSA has tentatively concluded that it is possible to provide adequate illumination for safe driving without requiring the lower beam to be placed above the upper beam.

Third, there are several proposed changes that pertain to vehicles equipped with an ADS that do not have any manually operated driving controls such as a steering wheel or service brake pedal.² Although these vehicles currently are not available for consumer purchase, some manufacturers and rideshare operators have deployed such vehicles in a number of cities, and several others are developing and testing such vehicles throughout the United States. NHTSA is engaging in a process to remove unnecessary barriers to technological innovation while ensuring motor vehicle safety is not compromised. For FMVSS No. 108, NHTSA proposes to remove references to a driver in the definition of *vehicular hazard warning signal operating unit* to clarify its application to vehicles operated by a human or an ADS. The requirement pertaining to ease of actuation of multiple switches by a person driving the vehicle would be limited to vehicles with manually operated driving controls.³ FMVSS No. 108 requires all vehicles to which it applies, except for trailers, to be equipped with a turn signal operating unit. NHTSA has tentatively concluded that the self-canceling and manually operated control requirements in the current standard are unnecessary for turn signal operating units that are installed on vehicles without manually operated driving controls; thus the

proposed modifications narrow those requirements to vehicles with manually operated driving controls. The requirement to have a turn signal operating unit would be retained, such that vehicles without manually operated driving controls would still be required to have a means for operating the turn signal lamps (which could be non-manual). The proposed modifications would not change the self-canceling and manual control specifications for turn signal operating units installed on vehicles with manually operated driving controls. FMVSS No. 108 also requires all vehicles to which it applies, except trailers, to be equipped with a headlamp beam switching device. NHTSA proposes to limit the current requirements associated with operation by a driver's hand or foot to apply only to vehicles with manually operated driving controls. The proposed modifications would not change the requirements for vehicles with manually operated driving controls. A vehicle without manually operated driving controls would still be required to have a means of switching headlamp beams (which could be non-manual).

Fourth, NHTSA proposes to limit the requirements for telltales for turn signals and upper beam headlamps to apply only to vehicles with manually operated driving controls. NHTSA also proposes to replace the words "pilot indicator" or "indicator" with "telltale" as appropriate throughout the standard to align with definitions and usage in FMVSS No. 101, "Controls and Displays."

Finally, NHTSA proposes to incorporate specifications for an ADS marker lamp as optional equipment in ADS-equipped vehicles. FMVSS No. 108 currently has no specific requirements for a lamp with the purpose of communicating to other road users that a vehicle is operating without the expectation that an occupant is monitoring the roadway (*i.e.*, the vehicle ADS is engaged in full, active control of the driving task).⁴ This NPRM proposes ADS marker lamp requirements applicable if such a lamp is equipped. The proposal is due to the development of a consensus industry standard for ADS marker lamps,⁵ the increased use of this type of lamp on vehicles internationally, and the agency's need to ensure that the new lighting performs in a manner that does not detract from existing levels of motor vehicle safety.

NHTSA tentatively concludes that a standardized ADS marker lamp will mitigate the risk of manufacturers implementing non-standardized lamp applications, which may become a nuisance, cause confusion, or otherwise have potential negative safety outcomes. Like other lamps regulated through FMVSS No. 108, the proposed ADS marker lamp criteria include the number of lamps, mounting locations, activation, visibility, color, and photometric intensity.

II. Background

FMVSS No. 108, "Lamps, reflective devices, and associated equipment," specifies requirements for original and replacement lamps, reflective devices, and associated equipment. The purpose of FMVSS No. 108 is to reduce traffic crashes, and deaths and injuries resulting from traffic crashes, by providing adequate illumination of the roadway and by enhancing the conspicuity of motor vehicles on roadways so that their presence is perceived, and their signals understood, both in daylight and in darkness or other conditions of reduced visibility.

a. Test Voltage

In 1967, FMVSS No. 108 standardized sealed beam headlamps and standardized the voltages at which they were tested to be 12.8 volts.⁶ This standardization provided commonality and supported readily available headlamps as replacement equipment given the relatively short lifespan of those headlamps. This voltage was useful for the lighting technology at the time and allowed headlamps to provide the required lighting output to satisfy the need for safety. As lighting technologies evolved from sealed beam headlamps into replaceable bulb headlamps, the voltage requirements were carried forward to continue providing that commonality and support the availability of headlamp replaceable light sources.⁷ The progression in headlighting system design has moved from common sealed beams to common headlamp replaceable light sources, to integral beam headlamps that are specifically designed for the particular vehicle model on which they are installed as original equipment. Current integral beam headlamps use light sources which have a much longer lifespan than the incandescent and halogen sources used in the past. These types of illumination sources are not dependent on any particular voltage to provide adequate

² Per 49 CFR 571.3, *manually operated driving controls* means a system of controls:

(i) That are used by an occupant for real-time, sustained, manual manipulation of the motor vehicle's heading (steering) and/or speed (accelerator and brake); and

(ii) That is positioned such that they can be used by an occupant, regardless of whether the occupant is actively using the system to manipulate the vehicle's motion.

³ Edits proposed or adopted in other modernization notices have been structured in the negative (*i.e.*, vehicles *without* manually operated driving controls are excepted from certain requirements) or in juxtaposition (*i.e.*, separate provisions applicable to vehicles with or without manually operated driving controls are placed next to each other). This NPRM proposes edits in the positive (*i.e.*, requirements are retained on vehicles *with* manually operated driving controls). NHTSA intends for each approach to function in the same manner and draw the same distinction between vehicles, where each vehicle is categorized as either with or without manually operated driving controls.

⁴ The driving task includes, but is not limited to, steering, accelerating, braking, and monitoring the vehicle surroundings.

⁵ SAE International Standard J3134_202512 "Automated Driving System (ADS) Marker Lamp."

⁶ 32 FR 2418.

⁷ 48 FR 1992.

illumination and do not routinely fail prior to the end of the vehicle's lifespan. As such, NHTSA is proposing to revise the test voltage specifications for integral beam headlamps such that NHTSA tests integral beam headlamps at the voltage stipulated by the manufacturer. NHTSA seeks comment regarding the need to extend this revision to test voltage to daytime running lights.

b. Headlamp Mounting Orientation

At the time FMVSS No. 108 was originally adopted, headlamp light source technology provided relatively low luminous flux. To provide the maximum illumination of the road in front of the vehicle, it was important to place the headlamps as high as practicable within limits to avoid excessive glare.⁸ The standard provided minimum and maximum heights for the placement of the upper and lower beams. An additional requirement for the orientation of the two beams was given for upper and lower beams that were vertically oriented. With the intent of providing the maximum amount of forward illumination by the lower beam, the standard requires that the lower beam be placed above the upper beam in a vertical headlamp arrangement.⁹ With the increase in luminous flux provided by current headlamp technologies, this requirement has become outdated. Therefore, NHTSA is proposing to remove the requirements for vertical headlamp arrangements to allow lower beam headlamps to be placed below the upper beam when vertically arranged.

c. ADS-Equipped Vehicles Without Manually Operated Driving Controls

An ADS commonly is considered to be a combination of hardware and software that can perform all real-time operational and tactical functions required to operate a motor vehicle on a sustained basis¹⁰—functions that traditionally have been performed by a human driver using manually operated driving controls. As defined in 49 CFR 571.3 and used throughout this document, *manually operated driving controls* means a system of controls: (i) used by an occupant for real-time, sustained, manual manipulation of the motor vehicle's heading (steering) and/or speed (accelerator and brake); and (ii)

positioned such that they can be used by an occupant, regardless of whether the occupant is actively using the system to manipulate the vehicle's motion. In an ADS-equipped vehicle designed to be operated only by an ADS, manually operated driving controls are not inherently necessary.

NHTSA has published prior **Federal Register** notices requesting comment, proposing changes, and updating existing regulations to address vehicle automation. These notices include a request for comment (RFC), "Removing Regulatory Barriers for Vehicles with Automated Driving Systems," published on February 13, 2018,¹¹ and a subsequent advance notice of proposed rulemaking (ANPRM) with the same title published on May 28, 2019.¹² The RFC posed questions about identifying and addressing regulatory barriers for vehicles that lack traditional manual controls or have unconventional seating. The ANPRM focused on the challenges of testing and verifying compliance for vehicles without traditional manual controls. A separate notice of proposed rulemaking (NPRM), "Occupant Protection for Automated Driving Systems,"¹³ was published in 2020, with the corresponding final rule, "Occupant Protection for Vehicles with Automated Driving Systems," published on March 30, 2022.¹⁴ The rulemaking focused on crashworthiness standards for ADS-equipped vehicles without manual driving controls, revising definitions and updating occupant protection standards to exclude vehicles specifically designed not to contain any occupants. The 2022 final rule also established the definition for *manually operated driving controls*. On December 3, 2020, NHTSA published an ANPRM titled, "Framework for Automated Driving Systems," to discuss and request comment on the manner in which the agency would define, assess, and manage objectively the safety of ADS performance while ensuring the needed flexibility to enable further innovation.¹⁵ The ANPRM included recognition of a phased approach to addressing ADS safety, including NHTSA's modernization of the FMVSS for ADS-equipped vehicles without traditional manual driving controls. Earlier this year, NHTSA published three NPRMs proposing to amend FMVSS No. 102, "Transmission shift position sequence, starter interlock, and transmission braking effect;" FMVSS

Nos. 103 and 104, "Windshield defrosting and defogging systems" and "Windshield wiping and washing systems;" and FMVSS No. 110, "Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less;" to eliminate unnecessary barriers to vehicles without manually operated driving controls in furtherance of these modernization efforts.

This NPRM continues this task as applied to FMVSS No. 108, which was developed at a time when all vehicles were operated by human drivers who interacted with the manually operated driving controls installed in the vehicle, including the turn signal operating unit and the beam switching unit. As such, the standard sets driver-based requirements for these systems' controls which have had the unintended effect of creating regulatory barriers for ADS-equipped vehicles without manually operated driving controls. Therefore, NHTSA is proposing to revise the definition of *vehicular hazard warning system operating unit* and narrow the application of certain requirements for the turn signal, hazard warning signal, and beam switching controls. That said, NHTSA maintains that any vehicle equipped with manually operated driving controls, regardless of whether it is equipped with an ADS, must continue to meet all existing safety requirements.

d. ADS Marker Lamps

Existing and Emerging Standards

As ADS technology has developed, some participants in the industry have sought to create a standardized indication of active ADS operation by means of a marker lamp on the vehicle. SAE Standard J3134, originally issued May 2019 and revised December 2025, details the use and characteristics of an "Automated Driving System (ADS) Marker Lamp." In this notice, reference to SAE Standard J3134 means the December 2025 version unless stated otherwise. The 2019 standard cited studies "suggest[ing] that road users prefer ADS-equipped vehicles to have additional signals to indicate when the vehicle's ADS is engaged." The original version also emphasized alignment with NHTSA's Federal Automated Vehicles Policy and the United Nations Economic Commission for Europe (UNECE) Working Party on Lighting and Light Signaling (GRE) for ADS vehicle communication with other road users. The 2019 version of SAE J3134 specified requirements for marker lamps on the

⁸ 32 FR 2419.

⁹ 54 FR 20066.

¹⁰ See, e.g., SAE, Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, J3016_202104 (April 30, 2021), available at https://www.sae.org/standards/content/j3016_202104/; Tex. Transp. Code § 545.451.

¹¹ 83 FR 6148.

¹² 84 FR 24433.

¹³ 85 FR 17624.

¹⁴ 87 FR 18560.

¹⁵ 85 FR 78058.

front of the vehicle while the updated version of the standard has specifications for rear and side ADS marker lamps as well. The updated rationale explains that rear and side ADS marker lamps are considered for regulation in UNECE and China, and that the American Association of Motor Vehicle Administrators (AAMVA) recommends their implementation to support law enforcement's ability to identify if an ADS-equipped vehicle is being operated by the ADS or the driver.

The UNECE GRE established a Task Force to develop a harmonized standard for ADS lamps and has collaborated with stakeholders, including SAE International and Mercedes-Benz. UNECE has defined the target beneficiaries of the standard to be law enforcement, pedestrians, and other road users.¹⁶ The UNECE Working Party on Automated/Autonomous and Connected Vehicles (GRVA) has consulted with the UNECE GRE Task Force on Autonomous Vehicle Signaling Requirements (AVSR) and established its own recommendations. In general, "GRVA recommends the establishment of uniform provisions for a light signal to communicate the operational status of the ADS," noting potential benefits for law enforcement.¹⁷ GRVA, though, does not recommend requiring additional lighting for ADS-operated vehicles in UNECE regulation due to uncertainty and the need for further research.

Supporting Research and Recommendations

The results of an international survey led by the Japanese National Traffic Safety and Environment Laboratory were presented at the 92nd GRE in April 2025.¹⁸ The survey included over 4,400 drivers in the United Kingdom, Japan, United States, and Germany. These respondents were asked to provide their opinion regarding the need for, and use of, marker lamps to indicate operation

of a vehicle by an ADS. The majority of respondents in each country, including upwards of 80 percent of respondents in the United States and the United Kingdom, responded affirmatively as to whether ADS-equipped vehicles should be equipped with a marker lamp. Less specific to marker lamps, around 70 percent of respondents in each country affirmed that the operating status (ADS or manual driving mode) of an ADS-equipped vehicle should be distinguishable from the outside of the vehicle.

Mercedes-Benz expressed interest in increasing other road users' acceptance and confidence in ADS-equipped vehicles and claimed that the ADS marker lamp is an intuitive way to communicate that the ADS is engaged in operating the vehicle. Mercedes-Benz presented recommendations in a meeting with NHTSA and at the 89th GRE session via the AVSR task force.¹⁹ Mercedes-Benz provided an analysis with respect to the placement and integration of ADS marker lamps and stated that a 360-degree view of the cyan lamps would be beneficial to law enforcement and other road users without leading to distraction or confusion. Mercedes-Benz suggested that concerns regarding ADS marker lamps, such as a lack of understanding and confusion about the meaning, could be mitigated through educational measures before and during market launch. Mercedes-Benz has also conducted a two-year on-road validation of ADS marker lamps in California from 2023 to 2025, using five vehicles to gather data to understand how other road users interacted with vehicles with ADS marker lamps.

In response to the changing market and materials reviewed and submitted, NHTSA is proposing to amend FMVSS No. 108 to incorporate standardized specifications for front, rear, and side ADS marker lamps if they are installed on a motor vehicle. NHTSA is not proposing to mandate ADS marker lamps on all vehicles equipped with ADS. The proposal largely, but not entirely, aligns with the specifications in SAE J3134.

III. Proposed Changes

a. Integral Beam Headlamp Test Voltage

FMVSS No. 108 S14.2.5.4 states that headlamps are tested with a direct

current test voltage of 12.8 volts $\pm$ 20 mv, and does not distinguish between headlamp type. The standardization of headlamp voltage supported readily available replacement lamps for incandescent and halogen technology which did not last the life of the vehicle.²⁰ In S14.6.4.1.1, the test voltage and current are specified. The product of the voltage and current is power. NHTSA is proposing to change the test from specific voltage and current values to power in watts. This will allow a manufacturer of an integral beam headlamp that operates at a design voltage other than 12.8 volts to have an equivalent test to systems that operate at 12.8 volts.

FMVSS No. 108 S6.5.3.2 requires that each original and replacement equipment headlamp be marked with its voltage and part or trade number. In order to ensure that integral beam headlamps are tested at the proper voltage for the given device if different from 12.8 volts, NHTSA is proposing to test integral beam headlamps at the voltage for which they are marked. NHTSA is not proposing to change the marking requirements for integral beam headlamp assemblies. As a result, the voltage for which a headlamp has been certified will continue to be marked on each lamp and can be referenced for independent testing.

NHTSA has not identified that the same considerations exist for replaceable bulb and sealed beam headlamps. Therefore, NHTSA is not proposing to change the requirements for those headlamp types, but seeks comment on whether doing so is appropriate.

b. Vertical Headlamp Arrangements

For vehicles with a vertical arrangement of the upper and lower beam headlamps, the standard requires that the lower beams be placed above upper beams. With the increase in luminous flux provided by current headlamp technologies, NHTSA has tentatively concluded that the requirement for placing the lower beam above the upper beam is no longer necessary and may contribute negatively to glare.²¹ In developing this proposal, NHTSA considered increasing the minimum luminous flux output requirements to reflect the current market, but tentatively concluded that change is not needed because current minimum headlamp performance for

¹⁶ United Nations Economic Commission for Europe (UNECE), "Proposal for a New UN Regulation on Automated Driving System (ADS) External Light-Signalling," Informal Document GRE-90-06, (April 2024), available at <https://unece.org/sites/default/files/2024-03/GRE-90-06e.pdf> (last accessed March 31, 2026).

¹⁷ United Nations Economic Commission for Europe (UNECE), "GRVA Recommendations on ADS External Light-Signalling," Informal Document WP.29-188-10, (November 2022), available at <https://unece.org/sites/default/files/2022-11/WP.29-188-10e.pdf> (last accessed March 31, 2026).

¹⁸ United Nations Economic Commission for Europe, Proposal for turquoise lighting for ADS-equipped vehicles (Informal document GRE-92-27e), Working Party on Lighting and Light-Signalling (GRE), 92nd session (2025), available at <https://unece.org/sites/default/files/2025-04/GRE-92-27e.pdf>.

¹⁹ Automated Driving System (ADS) Marker Lamps, Mercedes-Benz AG Concept presented at 89th GRE Session via TF AVSR (July 15, 2024), available at <https://wiki.unece.org/download/attachments/254181542/AVSR-18-02%20-%20ADS%20Marker%20Lamps%20-%20Mercedes-Benz%20AG%20Concept%2089th%20GRE.pdf?api=v2>.

²⁰ 54 FR 20084.

²¹ NHTSA, Summary of Headlamp Research at NHTSA, DOT HS 811 006 (July 2008), available at <https://www.nhtsa.gov/sites/nhtsa.gov/files/811006.pdf>.

seeing distance is being driven by market forces and not regulation.

NHTSA proposes to remove the requirement in S6.1.3.5.1 that lower beams be placed above upper beams in a vertical headlamp arrangement. Doing so would allow manufacturers design flexibility to change the arrangement of the upper and lower beams in a vertical headlamp arrangement without affecting safety. NHTSA does not propose any changes to the minimum and maximum heights for the placement of the upper and lower beams, which ensures that there are no negative safety outcomes from the proposed change to the allowed lamp arrangement. The requirements for a horizontal headlamp arrangement also remain unchanged, as the lower beam being outboard of the upper beam provides secondary functionality in showing the width of the vehicle.

c. Turn Signal, Hazard Warning Signal, and Beam Switching Equipment

NHTSA seeks to address the application of certain existing crash avoidance standards to ADS-equipped vehicles without manually operated driving controls. In this document, NHTSA proposes to limit the application of certain requirements for turn signal, beam switching, and hazard warning signal controls to vehicles with manually operated driving controls. The proposed changes are not intended to address ADS performance, but rather to address which turn signal, beam switching, and hazard warning signal equipment is necessary in a vehicle designed solely to be operated by an ADS. NHTSA expects all ADS-operated vehicles to be equipped with the required vehicle lamps, and to activate and deactivate the lamps in accordance with the rules of the road. In addition to FMVSS enforcement, NHTSA will not hesitate to use its strong and broad defect enforcement authority to address unsafe ADS performance.

FMVSS No. 108 requires vehicles to be equipped with a turn signal operating unit that meets the requirements specified in S9. A turn signal operating unit is the part of a turn signal system by which the operator of a vehicle causes the signal units to function. A turn signal operating unit that is installed on passenger cars, multipurpose passenger vehicles, trucks, and buses less than 2,032 mm in overall width is required to be self-canceling by steering wheel rotation and capable of cancellation by a manually operated control. FMVSS No. 108 also requires all vehicles for which it applies, except for trailers, to be equipped with a headlamp beam

switching device. The term “headlamp beam switching device” is not defined in S4, *Definitions*. However, S9.4 *headlamp beam switching device*, requires that each vehicle have a means for switching between lower and upper beams designed and located so that it may be operated conveniently by a simple movement of the driver’s hand or foot.²²

For an ADS-equipped vehicle without manually operated driving controls, the agency has tentatively concluded there is no safety need for turn signal operating units to be self-canceling by steering wheel rotation. These vehicles lack steering wheels, and the vehicle’s heading is controlled by the ADS. Although NHTSA has considered creating an equivalent requirement based on measurement within the steering system, NHTSA has determined tentatively that such a requirement is unnecessary and overly prescriptive because turn signal activation and cancellation will be programmed within the ADS to comply with traffic laws, and unlike a human driver, the system cannot forget that the turn signals are active. Therefore, the safety purpose of the self-canceling requirement for turn signal operating units does not exist for ADS-equipped vehicles without manually operated driving controls.

In addition, for such vehicles, NHTSA has tentatively concluded that there is no safety purpose to require that the turn signal operating unit be manually cancelable in vehicles that are operated by an ADS and do not have manually operated driving controls. Occupants in such vehicles have no responsibility for activating or deactivating the turn signal operating units. The operation of the turn signal units is managed by the ADS. For these reasons, NHTSA proposes to modify S9.1.1 to except vehicles without manually operated driving controls from the requirements of S9.1.1 related to steering wheel rotation and manual cancellation.

Similarly, the agency has tentatively concluded there is no safety need for headlamp beam switching devices installed on ADS-equipped vehicles without manually operated driving controls to be operable by hand or foot. Headlamp beam selection is an important safety responsibility because surrounding vehicles may experience hazardous levels of glare if a vehicle operator activates the upper beam when meeting or closely following other vehicles. For vehicles without manual controls, the ADS, and not a vehicle occupant, would be responsible for switching between lower and upper

beams consistent with the need for visibility and the rules of the road on which the vehicle operates. NHTSA proposes to modify S9.4 through reordering of the text and additional language to clarify the exception to the design requirement for the headlamp beam switching device in vehicles without manually operated driving controls.

If finalized as proposed, vehicles without manually operated driving controls still would be required to be equipped with a turn signal operating unit, because turn signals are intended to benefit other road users, and a headlamp beam switching device (that is not required to be designed and located for hand or foot operation), because an ADS may still rely on the increased visibility provided by high beams.²³ However, the specifications related to steering wheel rotation and to hand or foot operation would no longer apply to the turn signal operating units and headlamp beam switching devices in those vehicles. In addition, the proposed updates would not affect the requirements for vehicles with manually operated driving controls. NHTSA seeks comment on whether this approach ensures all vehicles are equipped with appropriate lighting equipment while removing design barriers to vehicles without manual controls.

NHTSA also proposes to update the language and clarify the requirements for actuation of the vehicular hazard warning signal operating unit. In FMVSS No. 108, *vehicular hazard warning signal operating unit* is defined as a driver-controlled device which causes all required turn signal lamps to flash simultaneously to indicate to approaching drivers the presence of a vehicular hazard. The performance requirements in section S9.6.2 require that, if actuation of the hazard function requires the operation of more than one switch, a means must be provided for actuating all switches simultaneously by a single driver action.

NHTSA proposes to remove references to a driver in the definition of “vehicular hazard warning signal operating unit” to clarify its application to vehicles operated by a person or an ADS. The revised definition would refer to the operator of a vehicle rather than the driver. The requirement for the vehicular hazard warning signal operating unit in S9.6.2 pertaining to ease of actuation of multiple switches by a person driving the vehicle would also be amended to apply only to vehicles with more manually operated driving controls. NHTSA tentatively

²² 49 CFR 571.108 S9.4.

²³ 49 CFR 571.108 S6.6.1.

concludes that the requirement only serves a safety purpose in a vehicle equipped with manually operated driving controls. The requirement is intended to ensure ease of operation for a person driving a vehicle, such that multiple actions are not required to activate the hazard warning signal. However, an ADS would be capable of activating multiple switches simultaneously without issue.

Applicability of Existing NHTSA Chief Counsel Interpretations

Pursuant to 49 CFR 501.8(d)(5), the Administrator has delegated to the Chief Counsel the authority to “[i]ssue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.” Over the years, NHTSA Chief Counsels have issued a number of interpretations related to automated activation of the hazard warning signal. NHTSA has tentatively determined that, if finalized, this amendment would not change the substance of NHTSA’s existing interpretations regarding automatic activation of the hazard warning signal by vehicles with manually operated driving controls. In a letter of interpretation to John Frooshani of North American Subaru in 2025, the Chief Counsel explained that “NHTSA’s interpretations of ‘vehicular hazard warning signal operating unit’ read FMVSS No. 108 as broadly restricting automatic activation of the hazard signal . . . but [allow] automatic activation on a case-by-case basis under limited circumstances consistent with the purpose of the hazard warning signal stated in the standard.”²⁴ These interpretations are based on two aspects of FMVSS No. 108. First, that the term “driver controlled device” in the definition of *vehicular hazard warning signal operating unit* means that the signal may not be activated automatically.²⁵ Second, that certain automatic activations would impair the effectiveness of lighting equipment required by the standard in violation of S6.2.1.²⁶ If this proposed rule is finalized, for vehicles with manually-operated driving controls, NHTSA would no longer read the definition of

vehicular hazard warning signal operating unit to bar automatic activation on the grounds that the operating unit must be exclusively driver controlled. However, NHTSA would carry forward the conclusions of its interpretations on the second basis. That is, in vehicles with manually operated driving controls, automatic hazard signal activation is supplemental equipment and S6.2.1 therefore limits automatic hazard signal activation to circumstances that do not impair required lighting.²⁷ Under this reading, NHTSA considers whether the activations impair other required lighting or if they lack any relationship to the original purpose of the hazard warning signal or could create confusion about the signal’s meaning. Such inappropriate activations include, for example, during braking events,²⁸ after “sudden release of the accelerator pedal,”²⁹ or as a “deceleration warning system”³⁰ where it would conflict with the purpose of the stop lamps. In vehicles without manually operated driving controls, automatic vehicular hazard warning signal operation would not be viewed as supplemental equipment subject to S6.2.1. NHTSA seeks comment on whether these interpretations are appropriate to address ADS activation of the hazard warning signal, or whether incorporation into regulatory text is necessary.

d. Telltales

Section S6.6 of FMVSS No. 108 requires that vehicles for which the standard applies be equipped with a turn signal pilot indicator, an upper beam headlamp indicator, and a vehicular hazard warning signal pilot indicator that shall be in front of and in clear view of the driver. Paragraph S9.3.6 also requires a change in the illumination of the turn signal pilot indicator to indicate failure of one or more turn signal lamps. Paragraph S9.8.4 specifies that if the vehicular hazard warning signal pilot indicator is not combined with the turn signal pilot indicator, it must emit a red color and have a minimum area equivalent to a 0.5 in diameter circle.

NHTSA proposes to rename the “indicators” to “telltales” to align with the definitions of telltales and indicators

found in FMVSS No. 101. A telltale is defined in FMVSS No. 101 as “an optical signal that, when illuminated, shows the actuation of a device, a correct or improper functioning or condition, or a vehicle system’s failure to function.” FMVSS No. 101 defines indicator as a “device that shows the magnitude of the physical characteristics that the instrument is designed to sense.” The turn signal pilot indicator, upper beam headlamp indicator, and vehicular hazard warning signal pilot indicator convey information related to actuation of a device or failure of a device, which aligns with the definition of a telltale rather than an indicator. Changing the nomenclature in FMVSS No. 108 for consistency will improve clarity of the standard.

The telltales (referred to as indicators in the current standard) for turn signal lamps, upper beam headlamps, and the vehicle hazard warning signal specified in FMVSS No. 108 are intended for, and are required to be in view of, the driver of the vehicle to show the activation state of the respective device. This signal provides information to the driver to confirm that the turn signal lamp, upper beam headlamp, or hazard warning signal is in the desired state. A driver is defined in 49 CFR 571.3 as the occupant of a motor vehicle seated immediately behind the steering control system. By this definition, a vehicle without manually operated driving controls does not have a driver.

In an ADS-operated vehicle, the ADS, rather than a human driver, would control the activation of the turn signals, headlamps, and hazard warning signal. NHTSA also expects an ADS to be aware of the operational status of each safety critical vehicle system and subsystem and respond appropriately to any identified degradations, failures, and malfunctions. Because the turn signals and headlamps would not be controlled by a person, NHTSA has tentatively concluded that the corresponding telltales do not address a safety need in ADS-equipped vehicles that do not have manually operated driving controls. The ADS would control and monitor the status of the headlamps and signals as part of normal vehicle operation. For these reasons, NHTSA proposes to limit the requirements to display these telltales to vehicles with manually operated driving controls. Manufacturers and fleet operators of ADS-equipped vehicles may choose to provide vehicle passengers with trip information, and NHTSA anticipates that they would do so to satisfy consumer demand even if not strictly necessary to meet the need

²⁴ Letter to John Frooshani, July 22, 2025, available at <https://www.nhtsa.gov/interpretations/ncc-230607-001-571108-automatic-activation-hazard-warning-signal-nonresponsive>. The purpose stated in the standard is “to indicate to approaching drivers the presence of a vehicular hazard.”

²⁵ Letter to Eric Reed, Feb. 29, 2000, available at <https://www.nhtsa.gov/interpretations/reedztv>.

²⁶ Letter to Mark Steele, Oct. 7, 1999, available at <https://www.nhtsa.gov/interpretations/20662ztv>; and Letter to Brian Latouf, Nov. 18, 2016, available at <https://www.nhtsa.gov/interpretations/16-1289-gm-hazard-innovative-28-apr-16-rsy>.

²⁷ *Id.* at note 9.

²⁸ Daimler Trucks North America, LLC, Denial of Petition for Decision of Inconsequential Noncompliance, 88 FR 17291 (Mar. 22, 2023).

²⁹ Letter to David Coburn, Aug. 6, 1999, available at <https://www.nhtsa.gov/interpretations/19886ztv>.

³⁰ Letter to Jeffrey Echt, incoming received Mar. 10, 1995, available at <https://www.nhtsa.gov/interpretations/aia552l>.

for motor vehicle safety. Because turn signal telltales are also used to indicate a lamp failure in S9.3.6, NHTSA is proposing an alternate requirement in S9.3.6 to provide a lamp failure telltale in clear view of all designated seating positions if the vehicle does not have turn signal telltales. NHTSA requests comment on the proposed changes to telltale requirements.

NHTSA also seeks comment on whether the vehicular hazard warning signal telltale requirement should apply to vehicles without manual controls. The current proposal does not limit the requirement for the hazard warning signal telltale to vehicles with manually operated driving controls. Whereas turn signals and upper beam headlamps are routinely used during normal driving, the vehicular hazard warning signals are used to indicate to approaching drivers the presence of a vehicular hazard. Vehicle occupants may benefit from knowing that the ADS determined it appropriate to activate the hazard warning signal. Passengers presented with a hazard warning signal telltale can make decisions about whether and how to continue using the vehicle. NHTSA plans to initiate a separate rulemaking to address requirements for telltales and indicators in ADS-equipped vehicles across multiple FMVSS.³¹ NHTSA further encourages the use of supplemental notifications communicating safety-relevant information to passengers of ADS-operated vehicles via app notifications, in-vehicle alerts, or other methods. The specific format and content of such notifications would be determined by the manufacturer.

e. ADS Marker Lamps

NHTSA is proposing to amend FMVSS No. 108 to incorporate standardized specifications for front, rear, and side ADS marker lamps if they are installed on a motor vehicle. NHTSA has long maintained that highway traffic safety is enhanced by the familiarity of drivers and other road users (e.g., pedestrians and cyclists) with established lighting schemes, which facilitates their ability to recognize the meaning that the lamps convey instantly and to respond accordingly. FMVSS No. 108 stipulates standardized lamp performance criteria, both for required lighting and certain optional lighting equipment, including the number of lamps, mounting locations, activation, visibility, color and lamp intensity. The standard does not bar installation of supplemental lighting equipment. However, under FMVSS No. 108 S6.2.1,

no additional lamp, reflective device, or other motor vehicle equipment is permitted to be installed that impairs the effectiveness of lighting equipment required by FMVSS No. 108.³² In addition, 49 U.S.C. 30122 prohibits a manufacturer, distributor, dealer, rental company, or motor vehicle repair business from installing aftermarket lighting equipment if doing so would knowingly take the vehicle out of compliance with FMVSS No. 108, such as by impairing the effectiveness of required lighting.

NHTSA is concerned that the introduction into the marketplace of differing and contradictory supplemental lighting intended to indicate ADS operation may generate confusion or distraction among drivers and other road users, which could have negative safety outcomes. In addition, certain applications, when installed as supplemental equipment, may cause impairment of equipment required by FMVSS No. 108, such as by masking nearby signal lighting, in violation of S6.2.1. Therefore, NHTSA has tentatively concluded that standardizing performance aspects for ADS marker lamps in FMVSS No. 108 will ensure that ADS marker lamps perform consistently throughout the fleet, limit the implementation of non-standardized lamp applications that may have potential negative safety outcomes by interfering with current required lighting equipment or distracting or confusing drivers, and provide regulatory certainty for manufacturers by establishing specifications for the lamp that manufacturers can implement without risking a violation of S6.2.1.

NHTSA has tentatively determined that it lacks sufficient information to conclude that there is a safety need to require the inclusion of ADS marker lamps on all vehicles equipped with an ADS. Therefore, NHTSA is proposing an “if equipped” standard for ADS marker lamps. This is intended to ensure that, if equipped, the lamps meet a minimum standard for performance. NHTSA is not proposing to mandate that all ADS-equipped vehicles have an ADS marker lamp but simply that any ADS marker lamp a manufacturer chooses to include must meet the proposed requirements. As this proposal would explicitly permit the optional installation and

activation of ADS marker lamps in accordance with the proposed activation criteria, this would also prohibit ADS marker lamp installation on vehicles without ADS functionality.

To determine the appropriate specifications, NHTSA reviewed existing research and SAE Standards J3134 and J578. The proposed specifications are as follows.

With regard to activation pattern, NHTSA proposes that the lamp be “steady burning” when activated, which is consistent with SAE J3134 and with other marker lamps, such as identification lamps and clearance lamps, specified in FMVSS No. 108, but seeks comment on allowing ADS marker lamps to be flashed for signaling purposes. In addition to indicating ADS engagement, ADS marker lamps could potentially be used for signaling purposes to indicate the intended movement of the vehicle for the benefit of pedestrians and other road users. NHTSA is not aware of any research supporting this usage and seeks research-based comments related to signaling the vehicle’s intended movement to pedestrians and other road users.

With regard to color, NHTSA is proposing that the lamps be cyan, the blue-green color defined in SAE J578. This is consistent with SAE J3134, which cited studies that support use of a unique color for the ADS marker lamp.³³ NHTSA is concerned that if a current color standardized in FMVSS No. 108 for specific uses in required lighting, such as amber, red, or white, were to be used for the ADS marker lamp, it would not have clear meaning. SAE stated that experts from manufacturers, suppliers, and research organizations evaluated potential ADS lamp colors and that these evaluations supported the use of blue-green light color for ADS lamps.³⁴ SAE concluded that a unique color allows greater flexibility in mounting location and facilitates innovation for new automotive ADS lamps and chose the blue-green color defined in SAE J578. NHTSA seeks comment on the proposed ADS marker lamp color.

The 2023 UNECE draft proposal for ADS external light signaling would permit optically combining the front ADS marker lamps with daytime running lamps.³⁵ NHTSA has

³² For supplemental lighting equipment, impairment is generally evaluated on a case-by-case basis and NHTSA typically considers four aspects: intensity (i.e., brightness), mounting location, activation pattern, and color. *E.g.*, Letter to Paul Schaye (Sep. 9, 2019), available at <https://www.nhtsa.gov/interpretations/571108-ama-schaye-front-color-changing-light> (last accessed January 29, 2026). These four aspects are non-exhaustive, and NHTSA can consider other aspects where relevant.

³³ SAE International, “Automated Driving System (ADS) Marker Lamp,” SAE Standard J3134, Rev. May 2019.

³⁴ *Id.*

³⁵ United Nations Economic Commission for Europe (UNECE), “Draft Proposal for a New UN Regulation on ADS External Light-Signalling,” Informal Document AVSR-18-02, 89th GRE Sess.,

³¹ RIN 2127-AM07.

tentatively concluded that this would cause the perceived color to deviate from its required color and therefore is not proposing to permit this or any other optical combination. NHTSA seeks comment on the topic.

Regarding location and number of lamps, NHTSA proposes that, if a vehicle is equipped with ADS marker lamps, at least one ADS marker lamp should be visible from each of the front, sides, and rear of the vehicle. The proposed number of ADS marker lamps is one or two on each of the front, sides and rear of the vehicle. Therefore, there would be a minimum of four and a maximum of eight ADS marker lamps. The location and quantity of ADS marker lamps is consistent with SAE J3134. NHTSA is proposing a minimum mounting height of 15 inches. This is consistent with other lamps and serves to keep lamps clear of road debris, reduce likelihood of damage, and provide visibility. NHTSA proposes that the lamps are allowed to be mounted inside or outside of the vehicle within the mounting location and height limits as specified in Table I.

The proposed intensity requirements include two sets of photometric intensities, one for when headlamps (or parking lamps) are deactivated and the other for when headlamps (or parking lamps) are activated. SAE J3134 contains photometry specifications for daytime and nighttime operation, which it defines based on “when exterior ambient light conditions warrant (or do not warrant) the use of headlamps.” FMVSS No. 108 does not contain requirements for when headlamps must be active based on time of day or ambient lighting conditions. As such, NHTSA is proposing to establish photometric performance based on the actual activation state of the headlamps. There are common situations during daylight conditions, such as rain or fog, where headlamps may be illuminated. NHTSA seeks comment on whether the proposed “headlamp activated” specifications below are sufficiently intense for such circumstances.

NHTSA is also proposing photometric intensity requirements that are different from those specified in SAE J3134. One goal of the proposed photometry specifications is to ensure that the effectiveness of the required lamps is not decreased while the ADS marker lamp is illuminated. However, the SAE standard uses photometric intensities that NHTSA has tentatively concluded

would interfere with the visibility of required signal lamps. Therefore, NHTSA proposes that the front ADS marker lamps have the same minimum and maximum values as parking lamps when the headlamps are activated. Consistent with SAE J3134, NHTSA derived the proposed minimum photometry requirements when the headlamps are deactivated by multiplying the darkness minimums by five times the values for when the headlamps are activated. For instance, the minimum value proposed for a front ADS marker lamp at test point H-V is 4 cd (headlamps activated). NHTSA proposes a minimum value of 20 cd (4 cd times 5) for when the headlamps are deactivated. This will permit the lamps to be seen both during the daylight and in dark ambient conditions. The maximum value for the front ADS marker lamp is proposed to be 125 cd in both daylight and darkness conditions. This value is consistent with the maximum allowable intensity for a parking lamp. NHTSA has tentatively concluded that the maximum intensity value of 125 cd is sufficient for the front mounted ADS marker lamp(s) to be seen in both ambient lighting conditions. NHTSA also proposes a maximum photometric intensity ratio to the front turn signal lamp for installations that combine the front turn signal and the front ADS marker lamp to ensure visibility of the turn signal lamps. NHTSA proposes that ratio be consistent with the ratios required for a parking lamp that is combined with a turn signal lamp.

The proposed rear ADS marker lamp minimum and maximum photometric intensity values are aligned with a taillamp’s one lighted section value when the headlamps are activated. NHTSA proposes that the minimum values be multiplied by five when the headlamps are deactivated. Photometric intensity ratios are proposed for when the rear ADS marker lamp is combined with a rear turn signal lamp or stop lamp. The proposed ratios are equal to the ratios required when a taillamp is combined with a stop lamp.

The proposed side ADS marker lamp minimum photometric intensity values are aligned with amber side marker lamp photometric intensities for the headlamps activated condition. NHTSA proposes that the minimum photometric intensity values for the side ADS marker lamps be multiplied by five when the headlamps are deactivated. Since the existing side marker lamp photometric intensity requirements do not have a maximum, NHTSA is proposing that the side ADS marker lamp maximum be the same as the rear ADS marker lamp.

The proposed geometric visibility requirements for front and rear ADS marker lamps are consistent with others shown in FMVSS No. 108 Table V–c, “Visibility Requirements of Installed Lighting Devices.” When the front and rear ADS marker lamps are activated, the proposed minimum luminous intensity is 0.3 cd when headlamps are deactivated and 0.05 cd when headlamps are activated. Other considerations for photometric intensity include visibility to road users near the vehicle, activation in relation to conditions when headlamps are deactivated or activated, and mounting location. SAE J3134 incorporates the photometric test points from the UNECE signal lamp photometric test points.³⁶ Consistent with FMVSS No. 108 and J3134, a 2.5 times multiplication factor for the minimum values is proposed for ADS lamps in close proximity to headlamps, fog lamps, and daytime running lamps.

SAE J3134 recommends that ADS marker lamps be permitted to be deactivated if optically combined with a required signal function, such as a turn signal where the circuit prioritizes the turn signal lamp over the ADS marker lamp activation. NHTSA is not proposing to permit optically combining an ADS marker lamp but is seeking comment on this issue in relation to safety.

The below list summarizes items for which this NPRM proposes specifications for ADS marker lamps which differ from SAE J3134. It also describes NHTSA’s tentative determination regarding whether such differences conflict with the SAE specification. How these differences may impact preemption of State law is discussed below regarding Executive Order 13132. This summary is provided for clarity, and NHTSA requests comment regarding these differences.

- **Definition:** This NPRM proposes an ADS marker lamp definition that describes the roadway circumstances that the ADS marker lamps are communicating instead of the activation state of an ADS. However, no conflict is intended. The definition is intended to overlap with the activation circumstances that SAE J3134 envisions.

- **Number:** This NPRM would not permit multiple lamp arrangements for the ADS marker lamps. This proposed requirement is more restrictive than SAE J3134, however a system that met the proposal would also meet SAE J3134.

³⁶ SAE International, “Automated Driving System (ADS) Marker Lamp,” SAE Standard J3134, Rev. December 2025.

(October 2023), available at <https://unece.org/transport/events/wp29gre-working-party-lighting-and-light-signalling-89th-session> (last accessed April 17, 2026).

- **Activation:** This NPRM contains activation and deactivation requirements that are aligned with the proposed ADS marker lamp definition. This is not intended to create a conflict with SAE J3134.

- **Activation:** This NPRM would not permit the optical combination of ADS marker lamps with any other lamp or reflective device. This is more restrictive than SAE J3134 and creates a minor conflict regarding ADS marker lamp activation. SAE J3134's allowance for ADS marker lamp deactivation if optically combined with a required signal function was omitted. This NPRM would allow ADS marker lamp deactivation if its lighted edge to the optical center of the nearest turn signal lamp is less than 100 mm. NHTSA seeks comment on implications of not permitting the optical combination of ADS marker lamps with any other lamp or reflective device in relation to safety.

- **Activation:** This NPRM omits SAE J3134's specification that the ADS marker lamps must not be switched on or off manually by the vehicle operator. This NPRM is therefore less restrictive than SAE J3134 such that if a vehicle were designed to the specification of the SAE document (regarding this aspect of performance), it would satisfy these proposed requirements. NHTSA seeks comment on implications of disallowing a manual control for the ADS marker lamps.

- **Activation:** This NPRM omits SAE J3134's specification that in areas where ADS marker lamps are prohibited, these lamps must be automatically disabled based on vehicle location or by other means not readily available to the vehicle operator.³⁷ NHTSA tentatively believes that this deviation does not create a conflict because a system with this functionality would not violate the proposed specifications. NHTSA seeks comment on implications of this requirement.

- **Location:** This NPRM proposes that an ADS marker lamp must be located at least twice the distance from any required identification lamp as the distance between two adjacent required identification lamps. SAE J3134 does not contain such a requirement. As such, for this area of performance, this NPRM is more restrictive than SAE J3134. However, a system that met the proposal would also meet SAE J3134.

- **Backup Lamp:** This NPRM proposes to account for the potential for a backup lamp to project incidental cyan light

resulting from an adjacent, or close to, ADS marker lamp. This requirement covers an area of performance regarding backup lamps that is not addressed in SAE J3134 and therefore does not create any conflict between the two documents.

- **Environment:** This NPRM proposes photometry requirements that are related to when headlamps are either deactivated or activated. Using headlamp activation status provides objective criteria and avoids ambiguity that could occur if daytime and nighttime were used. This is not intended to create a conflict with SAE J3134.

- **Photometry Requirements:** This NPRM proposes photometry requirements consistent with existing lighting equipment required by FMVSS No. 108. The proposed photometric requirements are different than those contained in SAE J3134 and would create a conflict with that standard. NHTSA seeks comment on implications of this requirement.

- **Figure 1 Chromaticity Diagram:** This NPRM proposes cyan boundaries that match SAE's blue-green boundaries. However, NHTSA is proposing to retain the same green and blue boundaries currently in FMVSS No. 108.

Effective Date

As provided by 49 U.S.C. 30111(d), an FMVSS may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, NHTSA may provide a different effective date after finding, for good cause shown, that a different effective date is in the public interest. NHTSA must publish the reasons supporting such a finding. Similarly, 5 U.S.C. 553(d) provides that a final rule cannot become effective until at least 30 days after the date of publication except, among other reasons, the rule grants or recognizes an exemption, relieves a restriction, or for good cause found and published with the rule. It is in the public interest for this proposed rule, if adopted, to be effective immediately. This proposed rule would: (1) update requirements related to headlamp test voltage; (2) provide flexibility for headlamp upper and lower beam mounting arrangements; (3) narrow the application of certain requirements for manually operated turn signal, hazard warning signal, and beam switching controls to only vehicles with manually operated driving controls; (4) narrow certain requirements for telltales to vehicles with manually operated driving controls and incorporate the term "telltale" where appropriate throughout

the standard; and (5) allow for equipping vehicles with ADS marker lamps and standardizing their performance. All of these proposed requirements increase flexibility for manufacturers, and as such, there is no need for lead time for regulated entities to comply with this proposed rule.

IV. Request for Comment

NHTSA seeks public comment on the proposed changes.

V. Rulemaking Analyses and Notices

Executive Order (E.O.) 12866 and E.O. 14192

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and E.O. 14192. This action was reviewed by the Office of Management and Budget as a significant regulatory action under E.O. 12866. This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action because it removes unnecessary regulatory burdens for the reasons discussed above. At this stage, the agency has not quantified any potential benefits or costs.

The proposed changes to the requirements for integral beam headlamp test voltage and vertical headlamp arrangements do not have any anticipated regulatory costs, as the changes would remove requirements that are no longer necessary. Likewise, as it relates to the proposed changes to address vehicles equipped with ADS systems that do not have manually operated driving controls, NHTSA does not anticipate any incremental costs associated with the modifications because they would remove unnecessary requirements without adding any new requirements. NHTSA does not anticipate any safety disbenefits for the proposed changes. In addition to cost savings resulting from reduced compliance costs, the benefits of the proposed modifications to the turn signal and beam switching control requirements would be potential safety benefits from removing the ability of an occupant to interfere with the control of the various lamps, which could lead to safety problems for other road users. Regarding the new proposed provision that would allow for cyan-colored ADS marker lamps as optional motor vehicle lighting equipment, NHTSA does not anticipate that any manufacturers would incur any incremental costs. NHTSA would only be allowing the use of these lamps and not requiring them, and thus manufacturers that do not wish to include the cyan lamps would not need to. The agency believes that the standardization proposed here may have

³⁷ The material addressing Executive Order 13132 contains a discussion of how permissibility of a cyan-colored lamp might interact with State laws that limit the color of certain automotive lighting.

some safety benefits, as it would reduce confusion for other road users by making clear that cyan lights mean a vehicle is being operated without the expectation that a human occupant is monitoring the roadway and ensuring that ADS marker lamp implementations do not impair the performance of required lighting. However, due to several limitations, NHTSA is unable to estimate the potential safety benefits. Given the still-developing nature of this market, NHTSA cannot quantify the number of vehicles that may be affected by this proposed rule. Further, without this regulatory change, NHTSA believes that these vehicles would seek exemptions from this standard, rather than include the unnecessary equipment or, in the case of the ADS marker lamps, not provide additional lighting. Finally, though NHTSA could seek to quantify avoided compliance costs on a per-vehicle basis, any estimate based on traditional vehicle configurations may not be accurate, given the different design and nature of ADS-equipped vehicles without manually operated driving controls. NHTSA requests comment on these assumptions and any other information that could help quantify their impacts in the final rule.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601, *et seq.*), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rulemaking on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. NHTSA has concluded and hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. As described elsewhere in the preamble, NHTSA proposes to remove certain regulatory burdens and costs associated with manual turn signal lamp controls and headlamp beam switching controls unnecessary for an ADS-equipped vehicle without manually operated driving controls, with no negative impact to vehicle safety.

National Environmental Policy Act

The Department has analyzed the environmental impacts of this notice of

proposed rulemaking pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*). Pursuant to 49 CFR 1.81, the Secretary has delegated the “functions” under NEPA to the Administrators “as they relate to the matters within the primary responsibility of each Operating Administration.” NHTSA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are actions identified in an agency’s NEPA procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See DOT Order 5610.1D § 9. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* § 9(b). Each Operating Administration (OA) of the Department may apply CEs established in another OA’s procedures. *Id.* § 9(f). To do so, the Operating Administration “must evaluate the action for extraordinary circumstances identified in the OA procedures in which the CE is established to determine if a normally excluded action may have a significant impact and coordinate with the originating OA to ensure that the CE is being applied correctly.” *Id.* This rulemaking, which proposes to amend FMVSS No. 108, “Lamps, reflective devices, and associated equipment,” to update the regulatory language and exclude ADS-equipped vehicles without manually operated driving controls from certain requirements that presume a person in the vehicle is driving, is categorically excluded pursuant to 23 CFR 771.118(c)(4): Planning and administrative activities not involving or leading directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand. NHTSA has coordinated with the Federal Transit Administration to ensure that this CE is being applied correctly. NHTSA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Executive Order 13132 (Federalism)

NHTSA has examined this rule pursuant to E.O. 13132, “Federalism” (64 FR 43255, Aug. 10, 1999), and

concluded that no additional consultation with States, local governments, or their representatives is mandated beyond the rulemaking process. The agency has concluded that this rule does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The rule does not have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

NHTSA rules can have a preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). This statutory command preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law. 49 U.S.C. 30103(e). As a result of this provision, State common law tort causes of action against motor vehicle manufacturers are generally not expressly preempted by the language in 49 U.S.C. 30103(b).

As of January 2026, there is at least one State, California, that explicitly permits equipping ADS marker lamps on automated vehicles in accordance with SAE J3134 and J578. Cal. Vehicle Code §§ 25950 and 38750. This NPRM proposes to adopt J3134 (and J578 for color) in large, but not complete, part. It differs in the following relevant items: photometric intensity and headlamp activation state specifications, certain restrictions on lamp location, the permissibility of multiple lamp arrangements and optical combining, manual activation, distance to identification lamps, the chromaticity boundaries, and incidental illumination from backup lamps. The preamble of this document discusses these items and the reasons for deviating from J3134 in further detail. NHTSA tentatively believes that, if finalized, this amended

regulation would preempt Cal. Vehicle Code §§ 25950 and 38750 inasmuch as this proposal deviates from the above aspects of J3134. The proposal also differs from J3134 regarding the definition of “ADS marker lamp,” the activation requirements which utilize the language in that definition, and by omitting the requirement that the lamps deactivate when in an area that does not permit the lamps. These latter deviations are not intended to create a conflict with J3134 or State laws that codify that standard, and NHTSA has tentatively concluded that the proposed amendments would not preempt these aspects. NHTSA seeks comments on these tentative conclusions.

NHTSA is also considering any potential preemptive effect of this proposal and whether an amendment allowing ADS marker lamps would, as a matter of law, preempt State laws that do not directly address ADS marker lamps, but contain provisions that effectively prohibit them. There are a variety of State laws that might affect ADS marker lamps for which a State standard may not regulate an aspect of performance in an identical manner to that in this proposed amendment. For instance, many States have laws limiting the color of motor vehicle lighting used in various locations on a motor vehicle, such as by limiting front emitting lamps to amber or white or by prohibiting red or blue to the front of the vehicle.³⁸ NHTSA tentatively believes that such laws would likely be preempted by this proposed amendment only inasmuch as those laws prevent the installation of an ADS marker lamp that would be compliant with the amended standard, as such laws would disrupt the uniformity that Congress intended be established by an FMVSS. This proposal would have no impact on those laws as applied to lamps other than ADS marker lamps or for vehicles that are not equipped with ADS marker lamps.

In addition, many States have laws reserving the color blue for certain applications such as law enforcement and towing vehicles. NHTSA tentatively believes that the proposed lamps are sufficiently distinct from those equipped for those purposes such that no conflict would exist. The color selected for the ADS marker lamp, cyan (blue-green color defined in SAE J578), was chosen in part because it is distinct from the blue hue used by law enforcement. Further, the photometric specifications for the ADS marker lamp are substantially less intense than law

enforcement lighting. In addition, the ADS marker lamps would be required to be steady burning. Therefore, NHTSA has tentatively concluded no conflict with such requirements would exist.

NHTSA seeks comment on the referenced State laws and any other State laws (for example, those requiring pre-approval of supplemental lighting devices) that may be impacted by this proposed amendment. NHTSA also seeks comment on any impact on States’ ability to enforce the remaining scope of their laws (such as those which broadly limit lamp color) which would not be preempted, and any associated safety impacts.

This NPRM proposes an “if-equipped” requirement that sets performance standards but does not require or prohibit whether the ADS marker lamps are equipped. NHTSA is not aware of any State laws that prohibit or require ADS marker lamps. NHTSA has tentatively determined that any future State laws prohibiting equipping vehicles with ADS marker lamps in compliance with this proposed amendment would likely be preempted. NHTSA seeks comments on whether to preempt States’ authority to require vehicles be equipped with ADS marker lamps (that is, to reserve the decision to equip to manufacturers).

NHTSA rules can also preempt State law if complying with the FMVSS would render the motor vehicle manufacturers liable under State tort law. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers generally will not be preempted. If and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. *See Geier v. American Honda Motor Co.*, 529 U.S. 861 (2000).

Pursuant to E.O. 13132 and E.O. 12988, NHTSA has considered whether this proposed rule would preempt State common law causes of action. Announcing the agency’s position regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. Regarding the application to vehicles without manual driving controls of requirements that specified manually operated turn signal, hazard warning signal operating unit, and beam switching controls to vehicles with manually operated driving controls and the adjustment to the test voltage for integral beam headlamp systems,

NHTSA believes that the changes will have no effect on safety. Regarding removal of the prohibition on arranging a vertically arranged headlamp assembly such that the lower beam headlamp is below the upper beam headlamp, NHTSA believes that this change will have either no impact on safety, or a positive impact of improving safety through a small reduction in glare. Thus, NHTSA tentatively concludes that no conflict with State common law tort actions would occur from these aspects of the proposal. Without any conflict, implied preemption of a State common law tort cause of action is unlikely. NHTSA also seeks comment on this tentative conclusion.

The proposal to allow optional installation of ADS marker lamps on certain vehicles sets minimum and maximum performance standards if such lamps are equipped because the agency has tentatively determined that such a standard is necessary to preserve the effectiveness of lighting required by the standard and avoid confusion by other road users. It would not serve the purposes of this proposed rule if, due to common law litigation, a manufacturer was required to include some other type of lighting or ADS marker lamps that perform differently. NHTSA has therefore tentatively concluded that this aspect of the requirement may conflict with State common law tort actions alleging performance aspects for ADS marker lamps beyond what is specified in the amended standard. If so, the proposed amendments likely would impliedly preempt such causes of action. However, given that NHTSA is not proposing to mandate ADS marker lamps based in part on a lack of information to support such a mandate (as opposed to determination that such a mandate would cause a negative outcome), NHTSA has tentatively concluded this amended standard likely would not preempt causes of action regarding whether an ADS marker lamp is or should have been equipped. NHTSA seeks comment on these conclusions.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of E.O. 12988, “Civil Justice Reform” (61 FR 4729, Feb. 7, 1996), requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while

³⁸ E.g., Maryland Code, Transportation, § 22–209. *Lamp colors.*

promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) specifies whether administrative proceedings are to be required before parties file suit in court; (6) adequately defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this E.O., NHTSA notes as follows. The issue of preemption is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court. NHTSA believes that this NPRM specifies proposed changes to FMVSS No. 108 clearly, would define any necessary key terms, and would provide a clear legal standard for manufacturers to follow. The amendments would not take effect retroactively. In addition, the proposed rule provides a clear legal standard for compliance, while promoting simplification and burden reduction by excepting vehicles without manually operated driving controls from the requirements without any reduction in safety.

Privacy Act

Please note that anyone is able to search the electronic form of all comments received into any of NHTSA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, see www.transportation.gov/privacy.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, as amended by Public Law 107–107 (15 U.S.C. 272), directs the agency to evaluate and use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or is otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress (through OMB) with explanations when the agency decides not to use available and

potentially applicable voluntary consensus standards. In this proposed rule, NHTSA is proposing to incorporate material from the relevant SAE standard on ADS marker lamps.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with base year of 1995). Adjusting this amount by the implicit gross domestic product price deflator for the year 2024 results in \$187 million ($125.224/66.937 = 1.87$). This NPRM would not result in a cost of \$187 million or more to either State, local, or tribal governments, in the aggregate, or the private sector. Thus, this NPRM is not subject to the requirements of sections 202 of the UMRA.

Executive Order 13609 (Promoting Regulatory Cooperation)

The policy statement in section 1 of E.O. 13609, “Promoting International Regulatory Cooperation” (77 FR 26413, May 4, 2012), provides, in part, “The regulatory approaches taken by foreign governments may differ from those taken by U.S. regulatory agencies to address similar issues. In some cases, the differences between the regulatory approaches of U.S. agencies and those of their foreign counterparts might not be necessary and might impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.”

In addition, section 24211 of the Infrastructure, Investment, and Jobs Act (Pub. L. 117–58), Global Harmonization, provides that DOT “shall cooperate, to the maximum extent practicable, with foreign governments, nongovernmental stakeholder groups, the motor vehicle industry, and consumer groups with respect to global harmonization of

vehicle regulations as a means for improving motor vehicle safety.”³⁹

The proposed changes here that would allow cyan-colored ADS marker lamps as optional motor vehicle lighting equipment are consistent with and informed by ongoing UNECE efforts and thus further the goals of international cooperation. Certain aspects of this proposal that may conflict with the draft UNECE standard are discussed above in this preamble. The other proposed amendments that would except certain vehicles from current regulations do not implicate any issues regarding international regulatory cooperation.

Severability

The issue of severability of FMVSSs is addressed in 49 CFR 571.9. It provides that if any FMVSS or its application to any person or circumstance is held invalid, the remainder of the part and the application of that standard to other persons or circumstances is unaffected. Comment is requested on the severability of this proposed amendment to an FMVSS.

Regulation Identifier Number

DOT assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found in the Abstract section of DOT's Unified Agenda entry for this rulemaking at www.reginfo.gov.

VI. Public Participation

How long do I have to submit comments?

Please see **DATES** section at the beginning of this document.

How do I prepare and submit comments?

- Your comments must be written in English.
- To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.
- Your comments must not be more than 15 pages long. 49 CFR 553.21. NHTSA established this limit to

³⁹ H.R. 3684 (117th Congress) (2021).

encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

- If you are submitting comments electronically as a PDF (Adobe) File, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions. Comments may be submitted to the docket electronically by logging onto the Docket Management System website at www.regulations.gov. Follow the online instructions for submitting comments.

- You may also submit your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, NHTSA encourages you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at <https://www.federalregister.gov/documents/2002/02/22/R2-59/guidelines-for-ensuring-and-maximizing-the-quality-objectivity-utility-and-integrity-of-information>. DOT's guidelines may be accessed at <https://www.transportation.gov/dot-information-dissemination-quality-guidelines>.

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

You should submit a redacted "public version" of your comment (including redacted versions of any additional documents or attachments) to the docket using any of the methods identified under **ADDRESSES**. This "public version" of your comment should contain only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed has been redacted. See below for further instructions on how to do this.

You also need to submit a request for confidential treatment directly to the Office of the Chief Counsel. Requests for confidential treatment are governed by 49 CFR part 512. Your request must set forth the information specified in part 512. This includes the materials for which confidentiality is being requested (as explained in more detail below); supporting information, pursuant to section 512.8; and a certificate, pursuant to section 512.4(b) and part 512, Appendix A.

You are required to submit to the Office of the Chief Counsel one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to section 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[.]"

You are also required to submit to the Office of the Chief Counsel one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to section 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (*i.e.*, the only information that should be unredacted is information for which you are not seeking confidential treatment).

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. Please do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters. The request should be sent to Dan Rabinovitz in NHTSA's Office of the Chief Counsel (NCC) at Daniel.Rabinovitz@dot.gov. You may either submit your request via email or request a secure file transfer link. Manufacturers or any companies that already have a Confidential Business Information (CBI) Portal account or an Enterprise Account with NHTSA should use the CBI Portal for their submission. If you submit a CBI request, please also email a courtesy copy of the request to Mr. David Jasinski at David.Jasinski@dot.gov.

Will the Agency consider late comments?

NHTSA will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, NHTSA will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider in developing the final rule, NHTSA will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to www.regulations.gov. Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, NHTSA will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, NHTSA recommends that you periodically check the Docket for new material.

List of Subjects in 49 CFR Part 571

Motor vehicle safety, Motor vehicles.

Proposed Regulatory Text

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Section 571.108 is amended by:

- a. Revising S4 by adding in alphabetical order the definition of "ADS marker lamp," and revising the definition of "vehicular hazard warning signal operating unit";
- b. Adding paragraph S6.1.1.5;
- c. Removing and reserving paragraph S6.1.3.5.1;
- d. Removing paragraphs S6.1.3.5.1.1 and S6.1.3.5.1.2;
- e. Adding paragraphs S6.1.3.7, S6.1.3.7.1, S6.1.3.7.2, and S6.3.4;
- f. Revising paragraphs S6.6.1, S6.6.2, and S7.6.2.2;
- g. Adding paragraphs S7.12, S7.12.1, S7.12.2, S7.12.3, S7.12.4, S7.12.5,

S7.12.6, S7.12.7, S7.12.8, S7.12.9, S7.12.10, S7.12.10.1, S7.12.10.2, S7.12.10.3, S7.12.11, S7.12.12, S7.12.12.1, S7.12.13, S7.12.13.1, S7.12.13.2, S7.12.14, S7.12.14.1, and S7.12.14.2;
 ■ h. Revising paragraphs S9.1.1, S9.3.1, S9.3.6, S9.4, S9.4.1, S9.4.1.4, S9.5, S9.6.1, S9.6.2, S9.8.4, S10.18.9.4.2, S14.2.1.3, S14.2.5.4, S14.2.5.5.6.2, and S14.4.1;
 ■ i. Adding paragraphs S14.4.1.3.2.6 and S14.4.1.4.2.7;
 ■ j. Revising paragraphs S14.6.4.1.1, S14.6.9.1.1, and S14.9.3.9.2.1;
 ■ k. Revising Table I–a and Table V–c;
 ■ l. Adding Table XXIII and Table XXIV; and
 ■ Revising Figure 1.

■ 3. In addition to the amendments set forth above, in section 571.108, remove the words “indicator” or “pilot indicator” and add, in their place, the word “telltale” in the following places:
 ■ a. S7 through S10.10.

The additions and revisions read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4 * * *

ADS marker lamp is a lamp that is used to indicate when a vehicle is operating without the expectation that an occupant is monitoring the roadway.

* * * * *

Vehicular hazard warning signal operating unit means an operating unit by which the operator of a vehicle causes all required turn signal lamps to flash simultaneously to indicate to approaching vehicle operators the presence of a vehicular hazard.

* * * * *

S6.1.1.5 *ADS marker lamps.* A vehicle may be equipped with four to eight ADS marker lamps as specified in Table I–a.

* * * * *

S6.1.3.5.1 [Reserved]

* * * * *

S6.1.3.7 *ADS marker lamps.*

S6.1.3.7.1 *Interior mounting.* An ADS marker lamp mounted inside a vehicle with manually operated driving controls must have means provided to minimize reflections from the light of the lamp upon the rear window glazing that might be visible to the driver when viewed directly, or indirectly in the rearview mirror.

S6.1.3.7.2 *Lamps mounted near identification lamps.* An ADS marker lamp, if equipped, must be located at least twice the distance from any required identification lamp as the

distance between two adjacent required identification lamps.

* * * * *

S6.3.4 No ADS marker lamp is permitted to be optically combined with any other lamp or reflective device.

* * * * *

S6.6.1 All vehicles to which this standard applies, except trailers, must be equipped with a turn signal operating unit, a turn signal flasher, and a headlamp beam switching device meeting the requirements of S9. All vehicles to which this standard applies, except trailers and vehicles without manually operated driving controls, must be equipped with a turn signal telltale and an upper beam headlamp telltale meeting the requirements of S9.

S6.6.2 All vehicles to which this standard applies, except trailers and motorcycles, must be equipped with a vehicular hazard warning signal operating unit, a vehicular hazard warning signal flasher, and a vehicular hazard warning signal telltale meeting the requirements of S9.

* * * * *

S7.6.2.2 A backup lamp may project incidental red, yellow, cyan, or white light through reflectors or lenses that are adjacent, close to, or a part of the lamp assembly.

* * * * *

S7.12 *ADS marker lamps.*

S7.12.1 *Number.* See Table I–a.

S7.12.2 *Color of light.* See Table I–a.

S7.12.3 *Mounting location.* See Table I–a.

S7.12.4 *Mounting height.* See Table I–a.

S7.12.5 *Activation.* See Table I–a.

S7.12.6 *Effective projected luminous lens area.* No requirement.

S7.12.7 *Visibility.* See Table V–c.

S7.12.8 *Telltale.* No requirement.

S7.12.9 *Markings.* See S6.5.1.2.

S7.12.10 *Spacing to other lamps.*

S7.12.10.1 *Spacing to DRLs.* If an ADS marker lamp is mounted within 100 mm from the lighted edge of a DRL not optically combined with a lower beam headlamp or turn signal lamp, the luminous intensity values at all test points shown in Table XXIII shall be multiplied at least 2.5 times when DRLs are activated.

S7.12.10.2 *Spacing to headlamps or fog lamps.* If an ADS marker lamp is mounted within 100 mm from the lighted edge of a headlamp or fog lamp, the luminous intensity values at all test points shown in Table XXIII shall be multiplied at least 2.5 times when headlamps or fog lamps are on as applicable.

S7.12.10.3 *Spacing to turn signal lamps.* Each ADS marker lamp must be

located on the vehicle so that the distance from its lighted edge to the optical center of the nearest turn signal lamp is not less than 100 mm unless the ADS marker lamp is deactivated when the turn signal or hazard warning signal lamp is activated.

S7.12.11 *Multiple compartments and multiple lamps.* See Table I–a.

S7.12.12 *Ratio to turn signal and stop lamps.*

S7.12.12.1 When an ADS marker lamp is combined with a turn signal or stop lamp, the luminous intensity of the ADS marker lamp at each identified test point must not be greater than the luminous intensity of the turn signal or stop lamp at that same test point times the multiplier shown for that test point in Table XXIII.

S7.12.13 *Photometry.* Each ADS marker lamp must be designed to conform to the photometry requirements of Table XXIII and Table XXIV, when tested according to the procedure of S14.2.1, as specified by this section.

S7.12.13.1 *Photometry, headlamps deactivated.* For each ADS marker lamp operating when the headlamps are deactivated, the maximum photometric intensity for front is 125 cd, side is 90 cd and rear is 90 cd. The minimum photometric intensity applies when the headlamps or parking lamps on passenger cars and MPVs, trucks, and buses less than 2032 mm in overall width are not activated.

S7.12.13.2 *Photometry, headlamps activated.* For each ADS marker lamp operating when the headlamps are activated, the maximum photometric intensity for front is 125 cd, side is 18 cd and rear is 18 cd. The minimum photometric intensity applies when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 2032 mm in overall width are activated.

S7.12.14 *Physical tests.*

S7.12.14.1 Each ADS marker lamp must be designed to conform to the performance requirements of the vibration test of S14.5, and the color test and plastic optical material test of S14.4.

S7.12.14.2 Each ADS marker lamp that is not mounted inside the vehicle must be designed to conform to the performance requirements of the moisture test, dust test, and corrosion test of S14.5.

* * * * *

S9.1.1 For vehicles with manually operated driving controls, the turn signal operating unit installed on passenger cars, multipurpose passenger vehicles, trucks, and buses less than

2032 mm in overall width must be self-canceling by steering wheel rotation and capable of cancellation by a manually operated control.

* * * * *

S9.3.1 For vehicles with manually operated driving controls, each vehicle equipped with a turn signal operating unit where any turn signal lamp is not visible to the driver must also have a telltale to provide a clear and unmistakable indication that the turn signal system is activated.

* * * * *

S9.3.6 *Turn signal lamp failure.*

Failure of one or more turn signal lamps such that the minimum photometric performance specified in Tables VI or VII is not being met must be indicated by the turn signal telltale by a “steady on”, “steady off”, or by a significant change in the flashing rate, except when a vehicle does not have turn signal telltales or when a variable-load turn signal flasher is used on a multipurpose passenger vehicle, truck, or bus 2032 mm or more in overall width, on a truck that is capable of accommodating a slide in camper, or on any vehicle equipped to tow trailers. For vehicles without turn signal telltales, failure of one or more turn signal lamps must be indicated by a lamp failure telltale displayed in clear view of all designated seating positions.

S9.4 *Headlamp beam switching device.* Each vehicle must have a means of switching between lower and upper beams. The switch must have no dead point and, except as provided by S6.1.5.2, the lower and upper beams must not be energized simultaneously except momentarily for temporary signaling purposes or during switching between beams. For vehicles with manually operated driving controls, the headlamp beam switching device must be designed and located so that it may be operated conveniently by a simple movement of the driver's hand or foot.

S9.4.1 *Semiautomatic headlamp beam switching devices.* As an alternative to S9.4, a vehicle with manually operated driving controls may also be equipped with a semiautomatic means of switching beams that complies with 9.4.1.1 through S9.4.1.4 and either 9.4.1.5 (Option 1) or 9.4.1.6 (Option 2).

* * * * *

S9.4.1.4 *Automatic dimming telltale.* There must be a convenient means of informing the driver when the device is controlling the headlamps automatically. For headlighting systems certified to Option 1, the device shall not affect the function of the upper beam headlamp telltale.

* * * * *

S9.5 *Upper beam headlamp telltale.* Each vehicle with manually operated driving controls must have a means for indicating to the driver when the upper beams of the headlighting system are activated. The upper beam headlamp telltale is not required to be activated when an Adaptive Driving Beam system is operating in automatic mode.

* * * * *

S9.6.1 For vehicles with manually operated driving controls, the unit may be an independent device or it may be combined with the turn signal operating unit. If combined with the turn signal operating unit, the actuating motion of the hazard function must differ from the actuating motion of the turn signal function.

S9.6.2 *Operating unit switch.* The unit must operate independently of the ignition or equivalent switch. For vehicles with manually operated driving controls, if the actuation of the hazard function requires the operation of more than one switch, a means must be provided for actuating all switches simultaneously by a single driver action.

* * * * *

S9.8.4 *Telltale size and color.* If the vehicular hazard warning signal telltale is not combined with a turn signal telltale, it must emit a red color and have a minimum area equivalent to a 0.5 in diameter circle.

* * * * *

S10.18.9.4.2 If the upper beam is not combined in a headlamp with the lower beam and has fixed horizontal aim or has a horizontal VHAD, then the headlamp is mounted on a headlamp test fixture which simulates its actual design location on any vehicle for which the headlamp is intended. The fixture, with the headlamp installed, is attached to the goniometer table in such a way that the fixture alignment axes are coincident with the goniometer axes. An integral beam headlamp is energized at the voltage as marked according to S6.5.3.2 ± 20 mv. A headlamp other than an integral beam headlamp is energized at 12.8 v ± 20 mv. There is no adjustment, shimming, or modification of the horizontal axis of the headlamp or test fixture, unless the headlamp is equipped with a VHAD. In this case the VHAD is adjusted to zero.

* * * * *

S14.2.1.3 *Measurement distance.*

Photometric measurements are made at a distance between the light source and the point of measurement of at least 1.2 m for side marker lamps, clearance lamps, identification lamps, parking lamps, and ADS marker lamps, and at least 3 m for turn signal lamps, stop

lamps, taillamps, backup lamps, and school bus signal lamps.

* * * * *

S14.2.5.4 *Seasoning and test voltage.* All sealed beam headlamps, integral beam headlamps, beam contributors, and replaceable light sources are seasoned at design voltage for 1% of its average design life or 10 hours, whichever is less, prior to a photometry test. An integral beam headlamp is tested at the voltage as marked according to S6.5.3.2 ± 20 mv. All other headlamps are tested at 12.8 v ± 20 mv, DC. Voltage is measured at the terminals of the lamp.

* * * * *

S14.2.5.5.6.2 A headlamp whose upper beam is not combined with a lower beam and has a fixed horizontal aim or has a horizontal VHAD must be mounted in its normal operating position on a goniometer such that the mounting fixture alignment axes are coincident with the goniometer axes. An integral beam headlamp is energized at the voltage as marked according to S6.5.3.2 ± 20 mv. A headlamp other than an integral beam headlamp is energized at 12.8 v ± 20 mv. There must be no adjustment, shimming, or modification of the horizontal axis of the headlamp or test fixture, unless the headlamp is equipped with a VHAD, in which case the VHAD must be adjusted to zero.

* * * * *

S14.4.1 *Color test.* The requirement applies to the overall effective color of light emitted by the device and not to the color of the light from a small area of the lens. It does not apply to any indicator or telltale lights. The color of the sample device must comply when tested by either the Visual Method or the Tristimulus Method.

* * * * *

S14.4.1.3.2.6 Cyan. Cyan is not acceptable if it is less saturated (paler), greener, or bluer than the limit standards.

* * * * *

S14.4.1.4.2.7 Cyan. The color of light emitted must fall within the following boundaries:

y = 0.32 (blue boundary)
x = 0.20 (white boundary)
y = 0.50–0.50x (green boundary)

* * * * *

S14.6.4.1.1 A headlamp connector test must be performed on each filament circuit of the sample headlamp prior to the test in S14.6.4.1.2 according to Figure 4 and S14.6.15. The power source is set to provide 128 watts of power.

* * * * *

S14.6.9.1.1 An unfixtured sample headlamp in its design mounting

position is placed in water at a temperature of 176° ±5 °F (80° ±3 °C) for one hour. The headlamp is energized in its highest wattage mode, with the test

voltage as marked according to S6.5.3.2 ±0.1 V during immersion.

* * * * *

S14.9.3.9.2.1 The test is conducted using the standard test circuit by

applying loads from two signal lamps to the maximum design loading including the telltale.

* * * * *

TABLE I-a—REQUIRED LAMPS AND REFLECTIVE DEVICES

Automated driving system marker lamps permitted but not required on passenger cars, Multipurpose Passenger Vehicles (MPV), trucks, and buses				
Lighting device	Number and color	Mounting location	Mounting height	Device activation
Front ADS Marker Lamps.	1 or 2 Cyan; multiple lamp arrangements not permitted.	On the front When there is 1, the lamp center on the vertical centerline. When there are 2, at the same height, symmetrically disposed about the vertical centerline.	Not less than 15 inches.	Steady burning. May be automatically activated when a vehicle is operating without the expectation that an occupant is monitoring the roadway. Must be automatically deactivated when a vehicle is operating with the expectation that an occupant is monitoring the roadway. All ADS marker lamps must switch on and off simultaneously.
Side ADS Marker Lamps.	1 or 2 Cyan; multiple lamp arrangements not permitted.	On each side	Not less than 15 inches.	Steady burning. May be automatically activated when a vehicle is operating without the expectation that an occupant is monitoring the roadway. Must be automatically deactivated when a vehicle is operating with the expectation that an occupant is monitoring the roadway. All ADS marker lamps must switch on and off simultaneously.
Rear ADS Marker Lamps.	1 or 2 Cyan; multiple lamp arrangements not permitted.	On the rear When there is 1, the lamp center on the vertical centerline. When there are 2, at the same height, symmetrically disposed about the vertical centerline.	Not less than 15 inches.	Steady burning. May be automatically activated when a vehicle is operating without the expectation that an occupant is monitoring the roadway. Must be automatically deactivated when a vehicle is operating with the expectation that an occupant is monitoring the roadway. All ADS marker lamps must switch on and off simultaneously.

Note: Table I-a Required Lamps and Reflective Devices would be revised to add ADS marker lamp criteria.

(**Note:** Add to the bottom of Table I-a, after daytime running lamps)

TABLE V-c—VISIBILITY REQUIREMENTS OF INSTALLED LIGHTING DEVICES—LUMINOUS INTENSITY VISIBILITY OPTION

Lighting device	Corner points ⁽¹⁾⁽²⁾				Required visibility minimum luminous intensity in any direction throughout the pattern defined by the specified corner points.
	Motorcycle		All other		Candela
Turn signal lamp	15° UP-20° IB	15° UP-80° OB	15° UP-45° IB	15° UP-80° OB	0.3.
	15° DOWN-20° IB	15° DOWN-80° OB	15° DOWN-45° IB ...	15° DOWN-80° OB.	
Stop lamp	15° UP-45° RIGHT ⁽⁴⁾	15° UP-45° LEFT ⁽⁴⁾	15° UP-45° IB	15° UP-45° OB	0.3.
	15° DOWN-45° RIGHT ⁽⁴⁾	15° DOWN-45° LEFT ⁽⁴⁾ ...	15° DOWN-45° IB ...	15° DOWN-45° OB.	
Taillamp ⁽³⁾	15° UP-80° RIGHT ⁽⁵⁾	15° UP-80° LEFT ⁽⁵⁾	15° UP-45° IB	15° UP-80° OB	0.05.
	15° DOWN-80° RIGHT ⁽⁵⁾	15° DOWN-80° LEFT ⁽⁵⁾ ...	15° DOWN-45° IB ...	15° DOWN-80° OB.	
Parking lamp	No Requirement	No Requirement	15° UP-45° IB	15° UP-80° OB	0.05.
	No Requirement	No Requirement	15° DOWN-45° IB ...	15° DOWN-80° OB.	
Front ADS marker lamp ⁽⁶⁾ .	No Requirement	No Requirement	15° UP-60° IB	15° UP-60° OB	0.05cd when headlamps are deactivated and 0.3cd when headlamps are activated.
			15° DOWN-60° IB ...	15° DOWN-60° OB.	
Rear ADS marker lamp ⁽⁶⁾ .	No Requirement	No Requirement	15° UP-60° IB	15° UP-60° OB	0.05cd when headlamps are deactivated and 0.3cd when headlamps are activated.
			15° DOWN-60° IB ...	15° DOWN-60° OB.	

⁽¹⁾ IB indicates an inboard direction (toward the vehicle's longitudinal centerline) and OB indicates an outboard direction.

⁽²⁾ Where a lamp is mounted with its axis of reference less than 750 mm above the road surface, the vertical test point angles located below the horizontal plane subject to visibility requirements may be reduced to 5° down.

⁽³⁾ Inboard and outboard corner points are 80° for a single taillamp installed on a motorcycle.

⁽⁴⁾ If a multiple lamp arrangement is used for a motorcycle stop lamp, the inboard angle for each lamp shall be 10 degrees.

⁽⁵⁾ If a multiple lamp arrangement is used for a motorcycle tail lamp, the inboard angle for each lamp shall be 45 degrees.

* * * * *

TABLE XXIII—FRONT AND REAR ADS MARKER LAMP PHOTOMETRY REQUIREMENTS

Test point (degrees)		Maximum photometric intensity ratio ⁽⁵⁾	Headlamps deactivated ⁽¹⁾		Headlamps activated ⁽²⁾	
			Minimum photometric intensity ⁽³⁾ (cd) front lamp	Minimum photometric intensity ⁽³⁾ (cd) rear lamp	Minimum photometric intensity ⁽³⁾ (cd) front lamp	Minimum photometric intensity ⁽³⁾ (cd) rear lamp
20L	5U	1/3	2.0	1.5	0.4	0.3
	5D		2.0	1.5	0.4	0.3
5L	10U	1/3	4.0	2.0	0.8	0.4
	10D ⁽⁴⁾		4.0	2.0	0.8	0.4
10L	5U	1/3	4.0	4.0	0.8	0.8
	H	1/3	7.0	4.0	1.4	0.8
	5D		4.0	4.0	0.8	0.8
V	5U	1/5	14.0	9.0	2.8	1.8
5L	H	1/5	18.0	10.0	3.6	2.0
V		1/5	20.0	10.0	4.0	2.0
5R		1/5	18.0	10.0	3.6	2.0
V	5D		14.0	9.0	2.8	1.8
10R	5U	1/3	4.0	4.0	0.8	0.8
	H	1/3	7.0	4.0	1.4	0.8
	5D		4.0	4.0	0.8	0.8
5R	10U	1/3	4.0	2.0	0.8	0.4
	10D ⁽⁴⁾		4.0	2.0	0.8	0.4
20R	5U	1/3	2.0	1.5	0.4	0.3
	5D		2.0	1.5	0.4	0.3
MAXIMUM PHOTOMETRIC INTENSITY (cd)			125	90	125	18

⁽¹⁾ The minimum photometric intensity values apply when the headlamps or parking lamps are not activated.

⁽²⁾ The minimum photometric intensity values apply when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 2032 mm in overall width are activated.

⁽³⁾ The photometric intensity values between test points must not be less than the lower specified minimum value of the two closest adjacent test points on a horizontal or vertical line.

⁽⁴⁾ Where ADS marker lamps are mounted with their axis of reference less than 750 mm above the road surface, photometry requirements below 5° down may be met at 5° down rather than at the specified required downward angle.

⁽⁵⁾ For front ADS marker lamps that are combined with front turn signal lamps and for rear ADS marker lamps that are combined with rear turn signal lamps or stop lamps.

TABLE XXIV—SIDE ADS MARKER LAMP PHOTOMETRY REQUIREMENTS

Test point (degrees)		Headlamps deactivated ⁽¹⁾	Headlamps activated ⁽²⁾
		Minimum photometric intensity ⁽³⁾ (cd)	Minimum photometric intensity ⁽³⁾ (cd)
10U	45L	3.0	0.6
	V	3.0	0.6
	45R	3.0	0.6
H	45L	3.0	0.6
	V	3.0	0.6
	45R	3.0	0.6
10D ⁽⁴⁾	45L	3.0	0.6
	V	3.0	0.6
	45R	3.0	0.6
MAXIMUM PHOTOMETRIC INTENSITY (cd)		90	18

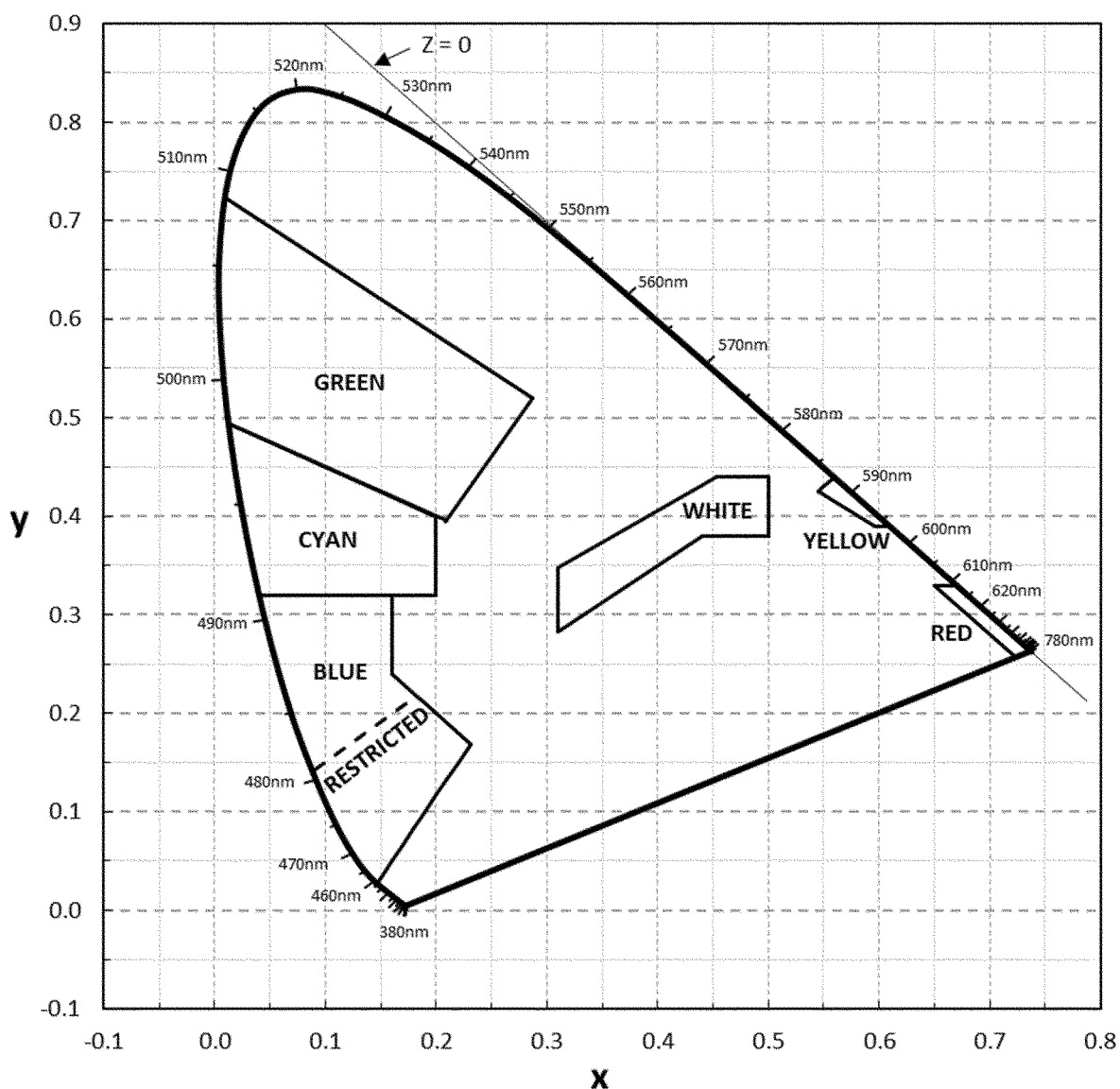
⁽¹⁾ The minimum photometric intensity values apply when the headlamps or parking lamps are not activated.

⁽²⁾ The minimum photometric intensity values apply when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 2032 mm in overall width are activated.

⁽³⁾ The photometric intensity values between test points must not be less than the lower specified minimum value of the two closest adjacent test points on a horizontal or vertical line.

⁽⁴⁾ Where ADS marker lamps are mounted with their axis of reference less than 750 mm above the road surface, photometry requirements below 5° down may be met at 5° down rather than at the specified required downward angle.

Figure 1 Chromaticity Diagram

**CHROMATICITY DIAGRAM****FIGURE 1**

Issued in Washington, DC, under authority
delegated in 49 CFR 1.95.

Jonathan Morrison,
Administrator.

[FR Doc. 2026-21794 Filed 10-23-26; 8:45 am]

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Notices

Federal Register

Vol. 91, No. 205

Monday, October 26, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Processing Public Comments in Agency Rulemaking; Request for Comments

AGENCY: Administrative Conference of the United States (ACUS).

ACTION: Notice; request for comments.

SUMMARY: The Office of the Chairman of ACUS is requesting public input on federal agency approaches and processes for receiving, publicizing, and responding to comments related to rulemaking proceedings. ACUS is accepting written comments. Responses to this request may inform an ongoing ACUS project, *Processing Public Comments in Agency Rulemaking*, which, if warranted, may recommend best practices for agencies to use.

DATES: Written comments must be received no later than 10:00 a.m. (ET) December 28, 2026.

ADDRESSES: You may submit written comments by email to info@acus.gov (with "Processing Public Comments in Agency Rulemaking" in the subject line of the message), or by U.S. Mail addressed to Processing Public Comments in Agency Rulemaking, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. ACUS will ordinarily post comments on the project web page (<https://www.acus.gov/projects/processing-public-comments-agency-rulemaking>) as they are received. Commenters should not include information, such as personal information or confidential business information, that they do not wish to appear on the ACUS website. For the full ACUS public comment policy, please visit <https://www.acus.gov/policy/public-comment-policy>.

FOR FURTHER INFORMATION CONTACT: Becaja Caldwell, Attorney Advisor,

Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036; Telephone (202) 480-2080; email bcaldwell@acus.gov.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591-596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see www.acus.gov.

Processing Public Comments in Agency Rulemaking

The public notice-and-comment process is an integral part of federal agency rulemaking. It provides an important opportunity for interested persons to share their perspectives, expertise, and experiences relevant to an agency's proposed action. Public comments can help inform an agency's decision making, for example by identifying potential local impacts, implementation challenges, and alternative approaches to regulatory action. Addressing public comments adequately is essential to ensure that final agency actions are based on the best available information, are perceived as legitimate by the public, and are not subsequently set aside on judicial review.¹

While most proposed rules receive few or no public comments, many receive hundreds or thousands of them. Processing voluminous comments requires significant agency resources, but even small numbers of comments may raise complex questions of law and policy that require substantial time and effort to address. Accordingly, agencies must ensure they employ robust procedures for processing comments from intake and analysis to response and resolution of comments.

ACUS is undertaking a project to examine how agencies receive public comments related to rulemaking proceedings; make those comments

available to agency staff, contractors, and the public; analyze the content of the comments; and develop responses to them. The project includes consideration of the organizational practices agencies use to process comments; how agencies use contractors in comment processing; and how agencies procure and use various technological tools (including algorithmic tools) in receiving, analyzing, and responding to comments.

General Topics for Public Comment

ACUS welcomes views, information, and data on all aspects of federal agencies' process for receiving, reviewing, analyzing, and responding to comments in connection with rulemaking proceedings. ACUS invites interested persons to share their experiences with submitting comments on proposed rules or other rulemaking-related requests for information. For example:

A. What has been your experience submitting comments to federal agencies on proposed rules or in response to advance notices of proposed rulemaking or other rulemaking-related requests for information?

B. If you have submitted comments via both *Regulations.gov* and another agency platform, such as the Federal Communications Commission Electronic Comment Filing System, in what ways were the experiences similar? In what ways were they different?

Specific questions that ACUS is examining as part of this study include:

1. Which agencies conduct rulemakings that commonly receive public comments? What are the notable variations in the kinds of rules that receive comments and the quantity and quality of those comments?

2. How do agencies use *Regulations.gov* and the Federal Docket Management System (FDMS) to solicit, organize, store, and publish public comments? What agency officials (or contractors) are involved in these processes?

3. Which agencies have developed their own electronic systems to solicit, organize, and store public comments? How do these systems compare to *Regulations.gov* and FDMS?

4. How do agencies conduct comment analysis? What are the primary elements of the agency's comment analysis process? Who is involved in it? What

¹ Admin. Conf. of the U.S., Recommendation 2018-7, *Public Engagement in Rulemaking*, 84 FR 2146 (Feb. 6, 2019).

technologies, if any, do agencies use to analyze comments? How formal or informal is the process?

5. How do agencies develop responses to public comments? How does this stage of the process relate to prior stages? How does the development of comment responses relate to other aspects of developing the final rule? How do public comments affect the substance of final rules?

6. What aspects of agency comment processing procedures seem to be working well and why? For areas where things are not working well, what seem to be the sources of the problems and what are the potential solutions?

(Authority: 5 U.S.C. 595.)

Dated: October 21, 2026.

Shawne C. McGibbon,
General Counsel.

[FR Doc. 2026-21742 Filed 10-23-26; 8:45 am]

BILLING CODE 6110-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-NOP-26-0199]

National Organic Standards Board Call for Applications and Nominations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; call for applications or nominations to the Board.

SUMMARY: Through this notice, the U.S. Department of Agriculture (USDA) is announcing its call for applications and nominations to fill three vacancies on the National Organic Standards Board (Board): one individual who owns or operates an organic farming operation or employee of such individual; one individual who represents a public interest or consumer interest group; and one individual with expertise in the fields of toxicology, ecology, or biochemistry. Appointees will serve a 5-year term beginning in January 2027 and ending in January 2032. Additionally, USDA seeks applications or nominations for a pool of candidates that the Secretary of Agriculture can draw upon as replacement appointees if unexpected vacancies occur.

DATES: Application packages must be received by mail or postmarked on or before December 28, 2026.

ADDRESSES: Applications can be sent via email to Andrew Malone at Andrew.Malone@usda.gov, or mailed to: USDA-AMS-NOP, 1400 Independence Avenue SW, Room 2642-S., Ag Stop 0268, Washington, DC 20250-0268. Electronic submittals are preferred.

FOR FURTHER INFORMATION CONTACT: Michelle Arsenault, (202) 997-0115; email: nosb@usda.gov.

SUPPLEMENTARY INFORMATION: For information on how to apply, please see the applications process page: <https://www.ams.usda.gov/rules-regulations/organic/nosb/nomination-process>.

The Organic Foods Production Act (OFPA), as amended (7 U.S.C. 6501–6524), required the Secretary to establish the National Organic Standards Board (Board) in accordance with the Federal Advisory Committee Act. The Board was established to assist in the development of standards for substances to be used in organic production and to advise the Secretary on the implementation of the OFPA.

The Board is composed of 15 members:

- Four individuals who own or operate an organic farming operation, or employees of such individuals;
- Two individuals who own or operate an organic handling operation, or employees of such individuals;
- One individual who owns or operates a retail establishment with significant trade in organic products, or employees of such individuals;
- Three individuals with expertise in areas of environmental protection and resource conservation;
- Three individuals who represent public interest or consumer interest groups;
- One individual with expertise in the fields of toxicology, ecology, or biochemistry; and
- One individual who is a certifying agent.

Per OFPA, under 7 U.S.C. 6518, individuals seeking appointment to the Board must meet the qualifications for the relevant vacancy (e.g., demonstrated experience and interest in organic production and organic certification, demonstrated experience with respect to agricultural products produced and handled on certified organic farms, or experience with consumer and public interest organizations). Applicants may also consider the additional selection criteria the Board recommended on June 10, 1999, included below and on the following web page: <https://www.ams.usda.gov/rules-regulations/organic/nosb/nomination-process>.

- A general understanding of organic principles and practical experience in the organic community;
- Demonstrated experience in the development of public policy such as participation on public or private advisory boards, boards of directors, or other comparable organizations;

• Participation in standards development or involvement in educational outreach activities;

• A commitment to the integrity and growth of the organic food and fiber industry;

• The ability to evaluate technical information and to fully participate in Board deliberation and recommendations;

• The willingness to commit the time and energy necessary to assume Board duties; and

• Other factors that may be appropriate for specific positions.

To apply, submit the following: a resume (required); Form AD-755 (required), which can be accessed at: <https://www.usda.gov/sites/default/files/documents/ad-755-advisory-committee-commodity-board-background-information.pdf>; a cover letter (optional); and letters of recommendation (optional). Resumes should be no longer than five (5) pages and should include the following information: the position for which the candidate is applying; current and past organization affiliations; areas of expertise; education; career positions held; and any other notable, relevant positions held. Previous applicants who wish to be considered must reapply.

If USDA receives a request under the Freedom of Information Act (5 U.S.C. 552) for records relating to Board nominations, application materials may be released to the requester. Prior to the release of the information, personally identifiable information protected by the Privacy Act (5 U.S.C. 552a) will be redacted.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the State

or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/about-usda/general-information/staff-offices/office-assistant-secretary-civil-rights/how-file-usda-discrimination-complaint/how-file-program-discrimination-complaint>, and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

The Office of Management and Budget (OMB) previously cleared the information collection requirements concerning the nomination process under OMB Control No. 0505-0001.

USDA is an equal opportunity provider, employer, and lender.

Dated: October 21, 2026.

Egypt Simon,

Acting USDA Committee Management Officer.

[FR Doc. 2026-21722 Filed 10-23-26; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Civil Monetary Penalties Inflation Adjustments for 2026

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture (USDA) is issuing this notice to announce that civil monetary penalty (CMP) amounts assessed or enforced will not increase for calendar year 2026. USDA is generally required by statute to amend its regulations annually to adjust for inflation the civil monetary penalties assessed or enforced by its components. However, in accordance with guidance from the Office of Management and Budget (“OMB”), USDA will continue to use the 2025 civil monetary penalty levels

because there will be no cost-of-living adjustment for 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Poe, Office of the General Counsel, USDA, 1400 Independence Avenue SW, Washington, DC 20250-1400, (202) 769-8247.

SUPPLEMENTARY INFORMATION:

I. Statutory Process for Implementing Annual Inflation Adjustments

In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note), USDA is required to adjust civil monetary penalties periodically for inflation. The Bipartisan Budget Act of 2015 (Pub. L. 114-74) revised the methodology, requiring agencies to adjust penalties annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the month of October of the preceding year. USDA has issued annual inflation adjustments pursuant to this authority, most recently in its final rule on May 29, 2025 (90 FR 22607).

II. No Adjustments for 2026

The annual inflation adjustment is based on October CPI-U data. Due to the October–November 2025 lapse in appropriations, the Bureau of Labor Statistics did not produce October 2025 CPI-U data. The statute provides no alternative method for calculating the adjustment. On April 17, 2026, the Office of Management and Budget issued Memorandum M-26-11, instructing all Federal agencies to retain 2025 civil monetary penalty amounts for calendar year 2026. Accordingly, USDA will not make inflation adjustments for 2026.

Consistent with the guidance provided in M-26-11, USDA is not making any adjustments to civil money penalties under the Inflation Adjustment Act in 2026.

In 2027, USDA will undertake a thorough review of the civil penalties assessed or enforced by its components pursuant to the Inflation Adjustment Act and in accordance with guidance issued by the Office of Management and Budget.

Eric D. Still,

Associate Chief Financial Officer, Financial Policy and Planning, Office of the Chief Financial Officer.

[FR Doc. 2026-21727 Filed 10-23-26; 8:45 am]

BILLING CODE 3410-14-P

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 requested 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 and other forms of information technology.

Comments regarding this information collection received by November 25, 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.

Forest Service

Title: Special Uses—SF-299 Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property.

OMB Control Number: 0596-0249.

Summary of Collection: This information collection is used by the Forest Service to evaluate and ensure that authorized uses of National Forest System (NFS) lands are in the public interest and are compatible with the agency's mission. The information helps the agency identify environmental and social impacts of special uses for

purposes of compliance with the National Environmental Policy Act (NEPA) and program administration. In addition, the agency uses the information to ascertain whether the land use fee being charged for special use authorizations is based on market value. The information is collected through application forms and terms and conditions in special use authorizations and operating plans. Ongoing uses must be monitored to ensure compliance with the terms of the corresponding authorizations. In certain situations, information from the authorization holder is the only way the Forest Service can verify compliance with the terms of an authorization.

This information collection is used by the Forest Service to provide a standard application for the use of National Forest System lands for transportation systems, utility systems, telecommunications facilities, and other facilities and uses that do not have a specific agency application. The form can be used by other federal land management agencies for similar purposes. This request is for revision of a currently approved common form, the SF-299, Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property. It includes the burden and cost estimates for the Forest Service's use of the SF-299 and does not include burden or cost estimates for other agencies' use of the common form.

Subsequent to the publication of the 60-day notice, Forest Service has decided to offer an electronic submission option. Respondents may complete and submit the Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property (SF-299) either in paper format or electronically through a digital portal that the Forest Service is developing and plans to make available on a public website. This electronic content may be mirrored or otherwise displayed on other government portals configured to transmit information to the Forest Service or other agencies that use SF-299. The electronic version will generally collect the same information as the paper form; no substantive new data elements will be added at this time. Use of the electronic option will be voluntary. The Forest Service estimates that this change will not increase and may modestly to moderately reduce the overall burden of the collection. Once the portal is operational, the Forest Service will post the form and instructions on its website and, if necessary, notify OMB of the final URL

through a non-substantive change request.

Several statutes authorize the Forest Service to issue and administer authorizations for use and occupancy of National Forest System (NFS) lands and require the collection of information from the public for those purposes. The laws for authorizing the use and managing these uses of NFS lands include:

The Organic Administration Act of 1897 (16 U.S.C. 551);

Title V of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1761–1771);

The Act of March 4, 1915 (16 U.S.C. 497);

The National Forest Ski Area Permit Act (16 U.S.C. 497b);

Section 28 of the Mineral Leasing Act (30 U.S.C. 185);

The National Forest Roads and Trails Act (FRTA, 16 U.S.C. 532–538);

Section 7 of the Granger-Thye Act (16 U.S.C. 480d);

The Act of May 26, 2000 (16 U.S.C. 460l–6d) as amended January 4, 2025;

The Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814);

Act of September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c, 931d);

Archeological Resource Protection Act of October 31st, 1979 (16 U.S.C. 1996);

The Rural Electrification Act of 1936, as amended;

Title VI of the Civil Rights Act of 1964.

Forest Service regulations implementing these authorities, found at 36 CFR part 251, subpart B, contain information collection requirements, including submission of applications, execution of forms, and imposition of terms and conditions that entail information collection requirements, such as the requirement to submit annual financial information; to prepare and update an operating plan; to prepare and update a maintenance plan; and to submit compliance reports and information updates. The information collection requirements described in this request are necessary for the Forest Service to issue and administer special use authorizations to use and occupy NFS lands under these authorities.

From time to time, the agency may make minor changes to the SF-299 that do not materially change the information collection, but rather the terms and conditions and legal authorities that govern special use permits. These revisions will be submitted to OMB for approval as non-substantive changes, and the revision date of the form will be updated upon approval.

Need and Use of the Information:

Information requests for the issuance and administration of special use authorizations can be categorized as information required from proponents and applicants to evaluate proposals and applications to use or occupy federal lands. None of the requested information is especially burdensome. When requested, financial information is the same information, and in the same level of detail, that must be supplied to the IRS or maintained under traditional sound business management practices.

The application includes both the proposal to use federal lands and the application for an authorization. When a proposal is accepted it moves forward as an application. The information in this process identifies the applicant and is used to determine if a requested use can be authorized and provides the required information for the authorization. The typical application information in the application process is:

- (1) identification of the applicant;
- (2) a description of the proposed use;
- (3) the location and duration of the proposed use;
- (4) the technical and financial capability of the applicant;
- (5) alternative locations considered for the proposed use, including non-federal lands;
- (6) anticipated environmental impacts associated with the proposed use and proposed mitigation of those impacts; and
- (7) information needed to recover agency costs to process an application and monitor a special use authorization. The authorized officer evaluates this information and makes a decision to grant or deny the application.

Description of Respondents: Private Sector; Federal Government; State, Local, and Tribal Government; Individuals or households.

Number of Respondents: 2,753.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 22,024.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–21822 Filed 10–23–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. APHIS–2026–0563]

Chronic Wasting Disease Herd Certification Program Standards**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice of Availability.

SUMMARY: We are advising the public that we are making available for review and comment a revised version of the Chronic Wasting Disease (CWD) Herd Certification Program Standards. The CWD Program Standards provide guidance on how to meet CWD Herd Certification Program and interstate movement requirements. We are taking this action to address concerns of State and industry participants regarding the existing standards.

DATES: We will consider all comments that we receive on or before November 25, 2026.

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

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS–2026–0563 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–0563, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

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

FOR FURTHER INFORMATION CONTACT: Dr. Tracy Nichols, Molecular Biologist, Cervid Health Staff, Strategy and Policy, Veterinary Services, APHIS; 2150 Centre Ave, Bldg. B, Fort Collins, CO 80526; (970) 494–7380; Tracy.A.Nichols@usda.gov.

SUPPLEMENTARY INFORMATION: Chronic wasting disease (CWD) is a transmissible spongiform encephalopathy of cervids (members of Cervidae, the deer family). Species currently known to be susceptible to CWD include elk, mule deer, moose,

white-tail deer, sika deer, muntjac, axis, reindeer, and black-tail deer.

In 2014, the Animal and Plant Health Inspection Service (APHIS) implemented the National CWD Herd Certification Program (HCP), a voluntary Federal-State-industry cooperative program administered by APHIS and implemented by participating States. States and herd owners choosing to participate must comply with the provisions of 9 CFR part 55 and all producers must comply with part 81 (referred to below as the regulations), which include requirements for animal identification, interstate movement, fencing, recordkeeping, herd inspections and inventories, animal mortality testing, and response to any findings of CWD-exposed, -suspect, or -positive herds. APHIS monitors the approved State HCPs to ensure consistency with Federal standards by means of annual State reporting and state reviews. With each year of successful compliance with the requirements, participating herds will advance in status. After 5 years of compliance with no evidence of CWD, the State or APHIS will certify the herd as being low risk for CWD. Farmed cervids may only move interstate from enrolled herds certified as low risk for CWD.

The CWD Program Standards, last revised in 2019, provide detailed guidance on how to meet the regulatory requirements referred to above. The Program Standards are reviewed on an ongoing basis by APHIS in collaboration with State agencies and industry representatives.

We are advising the public that we have prepared revisions of the CWD Program Standards. The proposed revisions include the following:

- Reducing the trace and quarantine period for white-tail and mule deer, and maintaining it for elk and other species.
- Updating indemnity prioritization to include reducing CWD transmission risk, strategically removing high risk animals, and encouraging HCP participation and genetic strategies to lower herd susceptibility.
- Making science-based updates and clarifications in areas that were open to interpretation.
- Including guidelines for use of predictive genetics to reduce herd CWD susceptibility and increase CWD prevention.
- Adding a section on the indemnity appeal process and revising the prioritization guidelines for indemnity funds to include predictive genetics.
- Allowance for moving cervids from a CWD positive herd to a terminal positive quarantined hunt facility in a

wildlife endemic area in another State with concurrence of the State Animal Health Authorities in the origin and receiving States.

The revised Program Standards may be viewed on the Regulations.gov website or in our reading room. (Instructions for accessing Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this notice.) The documents are also available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

We welcome public comment on this notice and the proposed revisions to the CWD Program Standards. After considering all comments, if no substantive changes to the proposed revisions to the CWD Program Standards are deemed necessary by the APHIS Administrator based on the comments received, the proposed revisions to the CWD Program Standards will be adopted as final without subsequent publication of another document in the **Federal Register**. If substantive changes to the proposed revisions are deemed necessary, we will publish an additional document in the **Federal Register** to discuss them and to make available a final version of the Program Standards that incorporates these substantive changes.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 21st day of October 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–21745 Filed 10–23–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE**National Institute of Food and Agriculture****Notice of Intent To Renew a Previously Approved Information Collection**

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Approval of notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to renew a previously approved information collection entitled *Children,*

Youth, and Families at Risk (CYFAR) Year End Report.

DATES: Written comments on this notice must be received by December 28, 2026 to be assured of consideration.

Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Laura Givens, 816-527-5379,
Laura.Givens@usda.gov.

SUPPLEMENTARY INFORMATION:

Title of Collection: Children, Youth, and Families at Risk (CYFAR) Year End Report.

OMB Control Number: 0524-0043.

Expiration Date of Current Approval: 02/28/2027.

Type of Request: Notice of intent to renew a previously approved information collection for three years.

Abstract: Funding for the Children, Youth, and Families at Risk (CYFAR) community project grants is authorized under section 3(d) of the Smith-Lever Act (7 U.S.C. 341 *et seq.*), as amended, and other relevant authorizing legislation, which provide jurisdictional basis for the establishment and operation of Extension educational work for benefit of youth and families in communities.

CYFAR funding supports community programs serving children, youth, and families in environments needing support.

CYFAR funds are intended to support the development of high quality, effective programs based on research and to document the impact of programs on intended audiences. The CYFAR Year End Report collects demographic and impact data from each community site to conduct impact evaluations of the programs on its intended audience. The collection of information serves several purposes. It allows NIFA staff to gauge if the program is reaching the audience, and make programmatic improvements. This collection also allows program staff to demonstrate the impacts and capacity

that is developed in the locales where federal assistance is provided.

The evaluation processes of CYFAR are consistent with the requirements of Congressional legislation and OMB. The Government Performance and Results Act (GPRA) of 1993 (Pub. L. 103-62), the Federal Activities Inventory Reform Act (FAIR) (Pub. L. 105-270), and the Agricultural, Research, Extension and Education Reform Act (AREERA) of 1998 (Pub. L. 105-185), together with OMB requirements, support the reporting requirements requested in this information collection. The immediate need of this information collection is to provide a means for satisfying accountability requirements. The long-term objective is to provide a means to enable the evaluation and assessment of the effectiveness of programs receiving federal funds and to fully satisfy requirements of performance and accountability legislation in GPRA, the FAIR Act, and AREERA.

Total Estimate of Burden:

Estimated Number of Respondents:

51.

Annual Responses: 1.

Average Time to complete each response: 23 hours.

Burden hours: 1,173 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

Obtaining a Copy of the Information Collection:

A copy of the information collection and related instructions may be obtained free of charge by contacting Laura Givens as directed above.

Done at Kansas City, MO, this day of October 19, 2026.

Drenda Williams,

Associate Director for Operations, National Institute of Food and Agriculture, U.S. Department of Agriculture.

[FR Doc. 2026-21724 Filed 10-23-26; 8:45 am]

BILLING CODE 3410-22-P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB-2027-0001-N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board previously reviewed and made formal disclosure determinations on records related to civil rights cold case incidents 2023-002-013 and 2024-003-046 in which the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) proposed postponements. The DOJ and the FBI later proposed 31 additional postponements and decided not to withdraw eight postponements the agencies had previously considered for withdrawal. On October 16, 2026 and October 21, 2026, the Review Board approved 24 of these additional postponements and revised its decision on one postponement. By issuing this notice, the Review Board complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT:

Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221-0014, info@coldcaserecords.gov.

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Review board decision
2023-002-013	2024-FBI-02-1650	Reject.
2023-002-013	2024-FBI-02-1754a	Approve.
2023-002-013	2024-FBI-02-1754b	Approve.
2023-002-013	2024-FBI-02-1754c	Approve.
2023-002-013	2024-FBI-02-1868a	Approve.
2023-002-013	2024-FBI-02-1881a	Approve.
2024-003-046	2024-DOJ-03-0836	Reject.

Incident identifier	Postponement identifier	Review board decision
2024-003-046	2024-DOJ-03-0847 through 2024-DOJ-03-0850.	Reject.
2024-003-046	2024-DOJ-03-0864	Reject.
2024-003-046	2024-DOJ-03-0864a	Reject.
2024-003-046	2024-DOJ-03-0874b	Reject.
2024-003-046	2024-DOJ-03-0877a	Reject.
2024-003-046	2024-FBI-03-1832a	Approve.
2024-003-046	2024-FBI-03-1836a	Approve.
2024-003-046	2024-FBI-03-1845	Approve.
2024-003-046	2024-FBI-03-1876a	Approve.
2024-003-046	2024-FBI-03-1876b	Approve.
2024-003-046	2024-FBI-03-1876c	Approve.
2024-003-046	2024-FBI-03-1876d	Approve.
2024-003-046	2024-FBI-03-1882a	Reject.
2024-003-046	2024-FBI-03-1887a	Approve.
2024-003-046	2024-FBI-03-1887b	Approve.
2024-003-046	2024-FBI-03-1887c	Approve.
2024-003-046	2024-FBI-03-1887d	Approve.
2024-003-046	2024-FBI-03-1887e	Reject.
2024-003-046	2024-FBI-03-1902a	Approve.
2024-003-046	2024-FBI-03-1902b	Approve.
2024-003-046	2024-FBI-03-1902c	Approve.
2024-003-046	2024-FBI-03-1902d	Approve.
2024-003-046	2024-FBI-03-1908a	Reject.
2024-003-046	2024-FBI-03-1913a	Approve.
2024-003-046	2024-FBI-03-1913b	Approve.
2024-003-046	2024-FBI-03-1913c	Approve.
2024-003-046	2024-FBI-03-1913d	Approve.
2024-003-046	2024-FBI-03-1913e	Reject.
2024-003-046	2024-FBI-03-1925a	Approve.
2024-003-046	2024-FBI-03-2007	Reject.
2024-003-046	2024-FBI-03-2114	Reject.

(Authority: Pub. L. 115-426, 132 Stat. 5489 (44 U.S.C. 2107).)

Dated: October 21, 2026.

Stephannie Oriabure,
Chief of Staff.

[FR Doc. 2026-21750 Filed 10-23-26; 8:45 am]

BILLING CODE 6820-SY-P

Officer, at kfajota@usccr.gov or (434) 515-2395.

Dated: October 22, 2026.

David Mussatt,
Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026-21795 Filed 10-23-26; 8:45 am]

BILLING CODE;P

reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of an already approved collection, the High-Frequency Surveys Program/Household Trends and Outlook Pulse Survey (HTOPS) prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 28, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to addp.htops@census.gov. Please reference HTOPS in the subject line of your comments. You may also submit comments, identified by Docket Number USBC-2026-0661, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee to the U.S. Commission on Civil Rights; Time Change

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice; time change of briefing.

SUMMARY: The U.S. Commission on Civil Rights published a notice in the **Federal Register** concerning a briefing of the Alaska Advisory Committee. The briefing is scheduled for Tuesday, October 27, 2026, and the time has changed to end at 1:00 p.m. AKDT. The notice is in the **Federal Register** on Thursday October 8, 2026, in FR Document Number 2026-20662 on page 64330.

FOR FURTHER INFORMATION CONTACT:
Kayla Fajota, Designated Federal

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; High-Frequency Surveys Program/Household Trends and Outlook Pulse Survey (HTOPS)

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed and continuing information collections, which help us assess the impact of our information collection requirements and minimize the public's

information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Timothy Gilbert, Survey Director, U.S. Census Bureau, at 301-763-5436 or timothy.r.gilbert@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The High-Frequency Surveys Program was established as a natural progression from the creation of the Household Pulse Survey (HPS). The Census Bureau launched HPS in April 2020 as an experimental survey designed to rapidly collect and disseminate information on how emergent issues were affecting U.S. households from social and economic perspectives. HPS provided timely information during the COVID-19 pandemic and subsequently evolved to address other emergent social and economic issues facing households.

In 2024, HPS content began transitioning to a longitudinal design. In January 2025, HPS was incorporated into the Household Trends and Outlook Pulse Survey (HTOPS), which used a longitudinal design throughout 2025. Beginning in March 2026, HTOPS transitioned to an independent, cross-sectional design. The current cross-sectional design provides frequent opportunities to measure household trends and outlooks, understand changes in household conditions, and respond to emerging data needs while maintaining a flexible platform for experimentation and methodological research.

HTOPS is an experimental data product and an ongoing Census Bureau data collection platform designed to complement the Federal Statistical System's established statistical programs by deploying quickly and efficiently to measure household conditions and provide timely information on topics of social, economic, and demographic interest. The use of a stable, high-frequency platform allows the Census Bureau to respond to emerging issues, capture trends and outlooks, support related data needs, and conduct nationally representative field tests and methodological research in an efficient and reliable manner.

The HTOPS also supports research and development related to survey data collection and estimation. The platform can be used to conduct nationally representative field tests of

questionnaire content, collection procedures, and other survey methods in support of Census Bureau and other Federal statistical programs. The Census Bureau may also investigate methods for enhancing survey data through administrative and other external data sources, developing modeled data products, and implementing adaptive design procedures that use auxiliary information. These activities can support improvements in data quality, operational efficiency, representativeness, and the usefulness of Federal statistics.

The HTOPS is primarily a Census Bureau data collection platform. Consistent with applicable law and subject to appropriate approvals and agreements, the platform may also support reimbursable surveys conducted under 13 U.S.C. 8(b). Such collections will use a Title 13 sampling frame and will be conducted subject to the applicable statutory, confidentiality, privacy, and statistical requirements.

The Census Bureau will document the methods used to collect, process, weight, and disseminate HTOPS data. Such documentation will provide information about the survey design and quality of resulting estimates, including response rates and weighting procedures, consistent with applicable Federal statistical standards and requirements.

II. Method of Collection

The Census Bureau will conduct the HTOPS electronically, using internally developed Business Enterprise systems as the data collection and management platform.

Invitations will primarily be sent by mail, and questionnaires will be administered primarily through internet self-response. Inbound computer-assisted telephone interviewing (CATI) will provide an additional response option for sampled households that do not wish to or cannot complete the questionnaire online. The Census Bureau may conduct outbound CATI nonresponse follow-up or automated reminder calls and may use SMS messages as a reminder or follow-up communication, as appropriate.

III. Data

OMB Control Number: 0607-1029.

Form Number(s): None.

Type of Review: Regular submission, Revision of a Currently Approved Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: Up to 144,000 responses annually. The survey is conducted every month or

less, as determined by the Census Bureau based on information needs, available resources, and approved collection plans.

Estimated Time per Response: 20 minutes per response.

Estimated Total Annual Burden Hours: 48,000 hours annually.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: The Census Bureau's collection of information under HTOPS is authorized under applicable provisions of Title 13 of the United States Code, including sections 8(b), 141, 182, and 193, as applicable to the collection. Section 8(b) authorizes the Secretary of Commerce to make special statistical compilations and surveys for Federal, State, and local agencies and other entities upon payment of the actual or estimated cost of such work. Collections conducted under section 8(b) will be subject to the applicable authority of the sponsoring entity and will use a Title 13 sampling frame.

The confidentiality of information collected through HTOPS is protected under Title 13 of the United States Code. Information collected under the authority of another Federal agency for which the Census Bureau serves as the collection agent will also be subject to the confidentiality and data protection requirements applicable to Census Bureau collections.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2026–21759 Filed 10–23–26; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; School District Review Program

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of a currently approved collection of the School District Review Program, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 28, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to dcmd.pra@census.gov. Please reference "School District Review Program" in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0727, to the Federal e-Rulemaking Portal: <https://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <https://www.regulations.gov> for public viewing

until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Michael Snow, Supervisory Program Analyst, Decennial Census Management Division, by phone at 301–763–9912 or by email to dcmd.pra@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The School District Review Program (SDRP) is sponsored by the U.S. Department of Education's National Center for Education Statistics (NCES) and is conducted annually by the U.S. Census Bureau (Census Bureau). It plays a critical role in determining each state's Title I allocation under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act of 2015 (Pub. L. 114–95). School district data submitted through the SDRP combined with decennial census counts, Small Area Income and Poverty Estimates, and current population estimates inform the Census Bureau's estimates of children ages 5 to 17 living in poverty for each district. The U.S. Department of Education uses these estimates to distribute more than \$18 billion in Title I funds each year.

The SDRP includes the review of Type 1, Type 2, and Type 3 school districts as defined by the NCES. Type 1 is a local school district that is not a component of a supervisory union. Type 2 is a local school district component of a supervisory union sharing a superintendent and administrative services with other local school districts. Type 3 is an education agency that performs administrative services for more than one school district, providing a common superintendent for participating districts.

SDRP participants include mapping coordinators and Title I Coordinators from all fifty states and the District of Columbia. Mapping coordinators, designated by state education agencies, review and update school district boundaries, names, grade ranges, levels, federal school district local education agency codes, and geographic

relationships. Title I Coordinators oversee the program and review all materials.

II. Method of Collection

The SDRP consists of the Annotation Phase and Verification Phase. During the Annotation Phase, the Census Bureau provides mapping coordinators with its current school district boundary and attribute data. Mapping coordinators work with local school district, county, and state agency officials to review and update this information. Changes are submitted using the Geographic Update Partnership Software (GUPS), GUPS Web, and the digital submission log. The Census Bureau then reviews the submissions and updates the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) System.

During the Verification Phase, the Census Bureau issues updated materials reflecting the processed changes. Mapping coordinators confirm whether updates were applied correctly and report any corrections, if necessary. New changes are not accepted during the Verification Phase.

Annual Schedule

- The Annotation Phase occurs every year in December/January.
- The Annotation Phase submission deadline occurs every year in March.
- The Verification Phase occurs every year in May, with a one-week review period.

III. Data

OMB Control Number: 0607–0987.

Form Number(s): None.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: All fifty states and the District of Columbia.

Estimated Number of Respondents:

- Annotation Phase: 51.
- Verification Phase: 51

Estimated Time per Response:

- Annotation Phase: 30 hours.
- Verification Phase: 5 hours.

Estimated Total Annual Burden Hours: 1,785.

- Annotation Phase: 1,530 hours.
- Verification Phase: 255 hours.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 6, 141, and 193.

NCES Legal Authority: Title I, Part A of the Elementary and Secondary Education Act as amended by Every Student Succeeds Act of 2015, Public Law (Pub. L.) 114–95.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2026–21758 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–839]

Carbazole Violet Pigment-23 From India: Final Results, and Rescission, in Part of Countervailing Duty Administrative Review; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) has conducted an administrative review of Navpad Pigments Private Limited (Navpad) regarding the countervailing duty order on carbazole violet pigment 23 (CVP–23) from India. The period of review (POR) is January 1, 2023, through December 31, 2023. In addition, Commerce is rescinding this review, in part, with respect to one company.

DATES: Applicable October 26, 2026

FOR FURTHER INFORMATION CONTACT: Dan Alexander, 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) 482–4313

SUPPLEMENTARY INFORMATION:

Background

On June 23, 2026, Commerce published in the **Federal Register** the *Preliminary Results* of this administrative review and invited interested parties to comment.¹ For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.² The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order³

The merchandise subject to the *Order* is carbazole violet pigment-23 from India. For a complete description of the

scope of the *Order*, see the Issues and Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review, in whole or only with respect to a particular exporter or producer, if during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be. According to the U.S. Customs and Border Protection (CBP) import data on the record, the following company subject to this review did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended: Sudarshan Chemical Industries Limited. Therefore, we are rescinding this administrative review with respect to this company, pursuant to 19 CFR 351.213(d)(3).⁴

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁵ For a full description of the methodology underlying all of Commerce's conclusions, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum.

¹ See *Carbazole Violet Pigment 23 from India: Preliminary Results, Intent To Rescind, and Rescission, in Part of Countervailing Duty Administrative Review; 2023*, 91 FR 37392 (June 23, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Issues and Decision Memorandum for the Final Results, and Rescission, in Part of Countervailing Duty Administrative Review of Carbazole Violet Pigment-23 from India; 2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See *Notice of Countervailing Duty Order: Carbazole Violet Pigment 23 from India*, 69 FR 77995 (December 29, 2004) (*Order*).

⁴ See Memorandum, “Release of U.S. Customs and Border Protection Entry Data,” dated February 24, 2025.

⁵ 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.

Changes Since the Preliminary Results

Based on our analysis of the comments received from interested parties regarding the *Preliminary Results*, we made certain changes to the countervailable subsidy rate calculated for Navpad. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Results of Review

Commerce determines that the following net countervailable subsidy rate exists for the period January 1, 2023, through December 31, 2023:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Navpad Pigments Private Limited	2.81

Disclosure

Commerce intends to disclose the calculations and analysis performed in connection with the final results of this administrative review to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the publication date of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For Navpad, Commerce will instruct CBP to assess countervailing duties at the subsidy rate listed in the table above. Because we have rescinded the review with regard to Sudarshan Chemical Industries Limited, as discussed above, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of

publication of these *Final Results* in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective 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. In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown for the company listed above 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 administrative review.

For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific rate applicable to the company or the all-others rate, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their

responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: October 21, 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. Subsidies Valuation
 - V. Analysis of Programs
 - VI. Discussion of the Issue
 - Comment: Calculation Error in the Emergency Credit Line Guarantee (ECLG) Scheme
 - VII. Recommendation
- [FR Doc. 2026–21793 Filed 10–23–26; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration

[A–570–124, C–570–125]
Certain Small Vertical Shaft Engines Between 99cc and up to 225cc, and Parts Thereof From the People’s Republic of China: Continuation of Antidumping and Countervailing Duty Orders
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 certain small vertical shaft engines between 99cc and 225cc, and parts thereof (small vertical engines) from 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 October 26, 2026.

FOR FURTHER INFORMATION CONTACT: Zachary Shaykin (AD) or Bushra Bani-Salman (CVD), AD/CVD Operations, Offices II and IX, respectively, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2638 or (202) 482-9170, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2021, Commerce published in the *Federal Register* the *Orders* on small vertical engines from China.¹ On April 1, 2026, Commerce initiated the first sunset review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² 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 margin of dumping and subsidy rates likely to prevail should the *Orders* be revoked.³

On October 20, 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.⁴

Scope of the Orders

The scope of the *Orders* consists of spark-ignited, non-road, vertical shaft engines, whether finished or unfinished, whether assembled or unassembled, whether mounted or unmounted, primarily for walk-behind lawn mowers. Engines meeting this physical description may also be for other non-hand-held outdoor power equipment, including but not limited to, pressure washers. The subject engines are spark ignition, single-cylinder, air cooled, internal combustion engines with vertical power take off shafts with a minimum displacement of 99 cubic centimeters (cc) and a maximum displacement of up to, but not including, 225cc. Typically, engines with displacements of this size generate gross power of between 1.95 kilowatts (kw) to 4.75 kw.

Engines covered by this scope normally must comply with and be certified under Environmental Protection Agency (EPA) air pollution controls title 40, chapter I, subchapter U, part 1054 of the Code of Federal Regulations standards for small non-road spark-ignition engines and equipment. Engines that otherwise meet the physical description of the scope but are not certified under 40 CFR part 1054 and are not certified under other parts of subchapter U of the EPA air pollution controls are not excluded from the scope of these proceedings. Engines that may be certified under both 40 CFR part 1054 as well as other parts of subchapter U remain subject to the scope of these proceedings.

Certain small vertical shaft engines, whether or not mounted on non-hand-held outdoor power equipment, including but not limited to walk-behind lawn mowers and pressure washers, are included in the scope. However, if a subject engine is imported mounted on such equipment, only the engine is covered by the scope. Subject merchandise includes certain small vertical shaft engines produced in the subject country whether mounted on outdoor power equipment in the subject country or in a third country. Subject engines are covered whether or not they are accompanied by other parts.

For purposes of these *Orders*, an unfinished engine covers at a minimum a sub-assembly comprised of, but not

limited to, the following components: Crankcase, crankshaft, camshaft, piston(s), and connecting rod(s). Importation of these components together, whether assembled or unassembled, and whether or not accompanied by additional components such as a sump, carburetor spacer, cylinder head(s), valve train, or valve cover(s), constitutes an unfinished engine for purposes of these *Orders*. The inclusion of other products such as spark plugs fitted into the cylinder head or electrical devices (e.g., ignition coils) for synchronizing with the engine to supply tension current does not remove the product from the scope. The inclusion of any other components not identified as comprising the unfinished engine subassembly in a third country does not remove the engine from the scope.

Specifically excluded from the scope of these *Orders* are “Commercial” or “Heavy Commercial” engines under 40 CFR 1054.107 and 40 CFR 1054.135 that have (1) a displacement of 160cc or greater, (2) a cast iron cylinder liner, (3) an automatic compression release, and (4) and a muffler with at least three chambers and volume greater than 400cc.

The engines subject to these *Orders* are predominantly classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 8407.90.1010. The engine subassemblies that are subject to these *Orders* enter under HTSUS 8409.91.9990. The mounted engines that are subject to these *Orders* enter under HTSUS 8433.11.0050, 8433.11.0060, and 8424.30.9000. Engines subject to these *Orders* may also enter under HTSUS 8407.90.1020, 8407.90.9040, and 8407.90.9060. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description 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*. Commerce will instruct U.S. Customs and Border Protection to continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

¹ See *Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 86 FR 23675 (May 4, 2021) (*Orders*).

² See *Initiation of Five-Year (Sunset) Reviews*, 91 FR 16181 (April 1, 2026).

³ See *Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof (Small Vertical Engines) from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Orders*, 91 FR 48369 (July 31, 2026), and accompanying Issues and Decision Memorandum (IDM); see also *Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order*, 91 FR 48366 (July 31, 2026), and accompanying IDM.

⁴ See *Small Vertical Shaft Engines from China: Determinations*, 91 FR 66358 (October 20, 2026) (*ITC Final Determination*).

The effective date of the continuation of the *Orders* will be October 20, 2026.⁵ Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Notification Regarding an Administrative Protective Order (APO)

This notice also serves as the 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), 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 22, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–21819 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–853; C–201–854]

Standard Steel Welded Wire Mesh From Mexico: Continuation of Antidumping and Countervailing Duty Orders

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 standard steel welded wire mesh from Mexico would likely lead to the continuation or recurrence of dumping and 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 23, 2026.

FOR FURTHER INFORMATION CONTACT: Kayden Jenson, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0967.

SUPPLEMENTARY INFORMATION:

Background

On April 12 and August 9, 2021, Commerce published in the **Federal Register** the AD and CVD orders on standard steel welded wire mesh from Mexico.¹ On March 2, 2026, the ITC instituted,² and Commerce initiated,³ the first 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/or 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 21, 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 merchandise covered by the scope of the orders is standard steel welded wire mesh from Mexico. For a

¹ See *Standard Steel Welded Wire Mesh from Mexico: Antidumping Duty Order*, 86 FR 43525 (August 9, 2021), corrected in *Standard Steel Welded Wire Mesh from Mexico: Antidumping Duty Order; Correction*, 86 FR 45709 (August 16, 2021); see also *Standard Steel Welded Wire Mesh from Mexico: Countervailing Duty Order*, 86 FR 18940 (April 12, 2021) (collectively, *Orders*).

² See *Standard Steel Welded Wire Mesh from Mexico: Institution of Five-Year Reviews*, 91 FR 10136 (March 2, 2026).

³ See *Initiation of Five-Year (Sunset) Reviews*, 91 FR 10053 (March 2, 2026).

⁴ See *Standard Steel Welded Wire Mesh from Mexico: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 91 FR 40976 (July 6, 2026), and accompanying Issues and Decision Memorandum; see also *Standard Steel Welded Wire Mesh from Mexico: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order*, 91 FR 39983 (July 1, 2026).

⁵ See *Standard Steel Welded Wire Mesh from Mexico: Determinations*, 91 FR 60414 (September 23, 2026) (*ITC Final Determination*).

full description of the scope of the *Orders*, see the appendix to this notice.

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 23, 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 19, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Orders

The merchandise covered by this order is uncoated standard welded steel reinforcement wire mesh (wire mesh) produced from smooth or deformed wire. Subject wire mesh is produced in square and rectangular grids of uniformly spaced steel wires that are welded at all intersections.

⁶ See *ITC Final Determination*.

⁵ See *ITC Final Determination*.

Sizes are specified by combining the spacing of the wires in inches or millimeters and the wire cross-sectional area in hundredths of square inch or millimeters squared. Subject wire mesh may be packaged and sold in rolls or in sheets.

Subject wire mesh is currently produced to ASTM specification A1064/A1064M, which covers carbon-steel wire and welded wire reinforcement, smooth and deformed, for concrete in the following seven styles:

1. 6X6 W1.4/W1.4 or D1.4/D1.4
2. 6X6 W2.1/W2.1 or D2.1/D2.1
3. 6X6 W2.9/W2.9 or D2.9/D2.9
4. 6X6 W4/W4 or D4/D4
5. 6X12 W4/W4 or D4/D4
6. 4X4 W2.9/W2.9 or D2.9/D2.9
7. 4X4 W4/W4 or D4/D4

The first number in the style denotes the nominal spacing between the longitudinal wires and the second number denotes the nominal spacing between the transverse wires. In the first style listed above, for example, "6X6" denotes a grid size of six inches by six inches. "W" denotes the use of smooth wire, and "D" denotes the use of deformed wire in making the mesh. The number following the W or D denotes the nominal cross-sectional area of the transverse and longitudinal wires in hundredths of a square inch (*i.e.*, W1.4 or D1.4 is .014 square inches).

Smooth wire is wire that has a uniform cross-sectional diameter throughout the length of the wire.

Deformed wire is wire with indentations or raised transverse ribs, which results in wire that does not have a uniform cross-sectional diameter throughout the length of the wire.

Rolls of subject wire mesh are produced in the following styles and nominal width and length combinations:

Style: 6X6 W1.4/W1.4 or D1.4/D1.4 (*i.e.*, 10 gauge)

Roll Sizes: 5' X 50'

5' X 150'

6' X 150'

5' X 200'

7' X 200'

7.5' X 200'

Style: 6X6 W2.1/W2.1 or D2.1/D2.1 (*i.e.*, 8 gauge)

Roll Sizes: 5' X 150'

Style: 6X6 W2.9/W2.9 or D2.9/D2.9 (*i.e.*, 6 gauge)

Roll Sizes: 5' X 150'

7' X 200'

All rolled wire mesh is included in scope regardless of length.

Sheets of subject wire mesh are produced in the following styles and nominal width and length combinations:

Style: 6X6 W1.4/W1.4 or D1.4/D1.4 (*i.e.*, 10 gauge)

Sheet Size: 3'6" X 7'

4' X 7'

4' X 7'6"

5' X 10'

7' X 20'

7'6" X 20'

8' X 12'6"

8' X 15'

8' X 20'

Style: 6X6 W2.1/W2.1 or D2.1/D2.1 (*i.e.*, 8 gauge)

Sheet Size: 5' X 10'

7' X 20'

7'6" X 20'

8' X 12'6"

8' X 15'

8' X 20'

Style: 6X6 W2.9/W2.9 or D2.9/D2.9 (*i.e.*, 6 gauge)

Sheet Size: 3'6" X 20'

5' X 10'

7' X 20'

7'6" X 20'

8' X 12'6"

8' X 15'

8' X 20'

Style: 6X12 W4/W4 or D4/D4 (*i.e.*, 4 gauge)

Sheet Size: 8' X 20'

Style: 4X4 W2.9/W2.9 or D2.9/D2.9 (*i.e.*, 6 gauge)

Sheet Size: 5' X 10'

7' X 20'

7'6" X 20'

8' X 12'6"

8' X 12'8"

8' X 15'

8' X 20'

Style: 4X4 W4/W4 or D4/D4 (*i.e.*, 4 gauge)

Sheet Size: 5' X 10'

8' X 12'6"

8' X 12'8"

8' X 15'

8' X 20'

Any product imported, sold, or invoiced in one of these size combinations is within the scope.

ASTM specification A1064/A1064M provides for permissible variations in wire gauges, the spacing between transverse and longitudinal wires, and the length and width combinations. To the extent a roll or sheet of welded wire mesh falls within these permissible variations, it is within this scope.

ASTM specification A1064/A1064M also defines permissible oversteeling, which is the use of a heavier gauge wire with a larger cross-sectional area than nominally specified. It also permits a wire diameter tolerance of ± 0.003 inches for products up to W5/D5 and ± 0.004 for sizes over W5/D5. A producer may oversteel by increasing smooth or deformed wire diameter up to two whole number size increments on Table 1 of A1064. Subject wire mesh has the following actual wire diameter ranges, which account for both oversteeling and diameter tolerance:

W/D No.	Maximum oversteeling No.	Diameter range (inch)
1.4 (<i>i.e.</i> , 10 gauge)	3.4	0.093 to 0.211.
2.1 (<i>i.e.</i> , 8 gauge)	4.1	0.161 to 0.231.
2.9 (<i>i.e.</i> , 6 gauge)	4.9	0.189 to 0.253.
4.0 (<i>i.e.</i> , 4 gauge)	6.0	0.223 to 0.280.

To the extent a roll or sheet of welded wire mesh falls within the permissible variations provided above, it is within this scope.

In addition to the tolerances permitted in ASTM specification A1064/A1064M, wire mesh within this scope includes combinations where:

1. A width and/or length combination varies by $\pm$ one grid size in any direction, *i.e.*, ± 6 inches in length or width where the wire mesh's grid size is "6X6"; and/or

2. The center-to-center spacing between individual wires may vary by up to one quarter of an inch from the nominal grid size specified.

Length is measured from the ends of any wire and width is measured between the center-line of end longitudinal wires.

Additionally, although the subject wire mesh typically meets ASTM A1064/A1064M, the failure to include certifications, test

reports or other documentation establishing that the product meets this specification does not remove the product from the scope. Wire mesh made to comparable foreign specifications (*e.g.*, DIN, JIS, etc.) or proprietary specifications is included in the scope.

Excluded from the scope is wire mesh that is galvanized (*i.e.*, coated with zinc) or coated with an epoxy coating. In order to be excluded as galvanized, the excluded welded wire mesh must have a zinc coating thickness meeting the requirements of ASTM specification A641/A641M. Epoxy coating is a mix of epoxy resin and hardener that can be applied to the surface of steel wire.

Merchandise subject to this order are classified under Harmonized Tariff Schedule of the United States (HTSUS) categories 7314.20.0000 and 7314.39.0000. While HTSUS subheadings are provided for

convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2026-21780 Filed 10-23-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–242, A–557–838, A–489–860]

Certain Corrugated Die-Cut Cardboard Boxes From the People's Republic of China, Malaysia, and the Republic of Türkiye: Initiation of Less-Than-Fair-Value Investigations

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

DATES: Applicable October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Mira Warrier at (202) 482–8031 (the People's Republic of China (China)), Anne Entz at (202) 482–3845 (Malaysia), and Howard Smith at (202) 482–5193 (the Republic of Türkiye (Türkiye)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**The Petitions**

On September 9, 2026, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain corrugated die-cut cardboard boxes (corrugated die-cut boxes)¹ from China, Malaysia, and Türkiye, filed in proper form on behalf of the American Pizza Boxes Manufacturers Coalition,² and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the petitioners), the members of which are domestic producers of corrugated die-cut boxes and a certified union, which represents workers engaged in the production of corrugated die-cut boxes in the United States.³ The Petitions were accompanied by a countervailing duty (CVD) petition concerning imports of corrugated die-cut boxes from Türkiye.⁴

On September 29, 2026, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support, because it was not clear from the Petitions whether the industry support criteria had been met.⁵

Between September 11 and October 9, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.⁶ Between September 15 and October 13, 2026, the petitioners filed timely responses to these requests for additional information.⁷

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of corrugated die-cut boxes from China, Malaysia, and Türkiye are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the corrugated die-cut boxes industry in the United States.

Die-Cut Cardboard Boxes from the People's Republic of China, Malaysia, and the Republic of Türkiye, 91 FR 62690 (October 2, 2026).

⁶ See Commerce's Letters, "Supplemental Questions," dated September 16, 2026 (First General Issues Supplemental Questionnaire); First Country-Specific AD Supplemental Questionnaires: Malaysia AD Supplemental and Türkiye AD Supplemental, dated September 11, 2026, and First China AD Supplemental, dated September 15, 2026; Second Country-Specific AD Supplemental Questionnaires: Second Malaysia AD Supplemental and Second Türkiye AD Supplemental, dated September 18, 2026, and Second China AD Supplemental, dated September 24, 2026; and "Supplemental Questions," dated October 1, 2026 (Third General Issues Supplemental Questionnaire); Memoranda, "Teleconference with Counsel to the Petitioners," dated September 24, 2026 (Second General Issues Supplemental); Third Country-Specific AD Supplemental Questionnaires: Third Malaysia AD Supplemental and Third Türkiye AD Supplemental dated September 24, 2026, October China AD Supplemental dated October 9, 2026; "Phone Call with Counsel to the Petitioners," dated September 28, 2026; and Fourth Türkiye AD Supplemental, dated October 9, 2026.

⁷ See Petitioners' Letters, "Petitioners' Response to the 1st Supplemental Questionnaire," dated September 21, 2026 (First General Issues Supplemental); First Country-Specific AD Supplemental Responses: Malaysia AD Supplement, Türkiye AD Supplement, dated September 15, 2026; China AD Supplement, dated September 18, 2026; "Petitioners' Response to the 2nd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated September 28, 2026 (Second General Issues Supplemental); Second Country-Specific AD Supplemental Responses: Second Malaysia AD Supplement and Second Türkiye AD Supplement, dated September 22, 2026, and Second China AD Supplement, dated September 25; Third Country-Specific AD Supplemental Responses: Third Malaysia AD Supplement, and Third Türkiye AD Supplement, dated September 25, 2026, and Third China AD Supplement, dated October 13, 2026; "Resubmission of Certain Information Contained in Petitioners' September 25, 2026, Questionnaire Response," dated September 28, 2026; "Petitioners' Response to the 3rd Supplemental Questionnaire Regarding Common Issues and Injury Volume I of the Petition," dated October 6, 2026 (Third General Issues Supplemental); and "Petitioner Response to the 4th Supplemental Questionnaire Regarding Turkey AD Volume IV of the Petition," dated October 13, 2026 (Third Türkiye AD Supplement).

Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(D) and (E) of the Act.⁸ Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigations.⁹

Periods of Investigations (POI)

Because the Petitions were filed on September 9, 2026, pursuant to 19 CFR 351.204(b)(1), the POI for the Malaysia and Türkiye LTFV investigations is July 1, 2025, through June 30, 2026. Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the China LTFV investigation is January 1, 2026, through June 30, 2026.

Scope of the Investigations

The products covered by these investigations are corrugated die-cut boxes from China, Malaysia, and Türkiye. For a full description of the scope of these investigations, see the appendix to this notice.

Comments on the Scope of the Investigations

Between September 16 and October 1, 2026, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.¹⁰ Between September 21 and October 6, 2026, the petitioners provided clarifications and revised the scope.¹¹ The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage

⁸ The members of the petitioning coalition are interested parties under section 771(9)(C) of the Act.

⁹ See section on "Determination of Industry Support for the Petitions," *infra*.

¹⁰ See First General Issues Supplemental Questionnaire; see also Second General Issues Supplemental Questionnaire; and Third General Issues Supplemental Questionnaire.

¹¹ See First General Issues Supplement at 2–7 and Exhibits I–Supp–2 through I–Supp–4; see also Second General Issues Supplement at 1–16 and Exhibits I–Supp2–2 through I–Supp2–4; and Third General Issues Supplement at 1–5 and Exhibits I–Supp3–1 through I–Supp3–4.

¹ See Memorandum, "Product Name Change," dated September 29, 2026.

² The members of the American Pizza Boxes Manufacturers Coalition are Smurfit Westrock plc and Pratt Industries, Inc.

³ See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated September 9, 2026 (Petitions).

⁴ *Id.*

⁵ See *Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Corrugated*

(i.e., scope).¹² Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.¹³ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on November 9, 2026, which is the next business day after 20 calendar days from the signature date of this notice.¹⁴ Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on November 19, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized

Electronic Service System (ACCESS), unless an exception applies.¹⁵ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of corrugated die-cut boxes to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) or costs of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe corrugated die-cut boxes, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on November 9, 2026, which is the next business day after 20 calendar days from the

signature date of this notice.¹⁶ Any rebuttal comments must be filed by 5:00 p.m. ET on November 19, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁷ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is

¹² See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (Preamble); see also 19 CFR 351.312.

¹³ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁴ The deadline for scope comments falls on November 8, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, November 9, 2026). See 19 CFR 351.303(b)(1) ("For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day").

¹⁵ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

¹⁶ The deadline for product characteristics comments falls on November 8, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, November 9, 2026). See 19 CFR 351.303(b)(1) ("For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day").

¹⁷ See section 771(10) of the Act.

subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁸

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.¹⁹ Based on our analysis of the information submitted on the record, we have determined that corrugated die-cut boxes, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.²⁰

As noted above, on September 29, 2026, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support. In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioners provided their own shipments of corrugated die-cut boxes in 2025 and compared this to the estimated total shipments of the domestic like product for the entire domestic industry.²¹

Because total production data for the domestic like product for 2025 are not reasonably available to the petitioners, and the petitioners have established that shipments are a reasonable proxy for production data,²² we relied on data provided by the petitioners for purposes of measuring industry support.²³

Our review of the data provided in the Petitions, the First General Issues Supplement, the Second General Issues Supplement, the Third General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petitions.²⁴ First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).²⁵ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.²⁶ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.²⁷ Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²⁸

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports exceed the negligibility

threshold provided for under section 771(24)(A) of the Act.²⁹

The petitioners contend that the industry’s injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenue; declines in production, capacity utilization, U.S. shipments, and employment variables; facility closures; negative impact on industry’s development efforts and returns on new investments; negative impact on financial performance; and the magnitude of the alleged dumping margins.³⁰ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, cumulation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.³¹

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of corrugated die-cut boxes from China, Malaysia, and Türkiye. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For China, Malaysia, and Türkiye, the petitioners based export price (EP) on POI average unit values derived from official import statistics for imports of corrugated die-cut boxes from each of the respective countries.³² For China and Türkiye, the petitioners also based EP on pricing information for corrugated die-cut boxes produced in each country and sold or offered for sale in the U.S. market during the POI.³³ For each country, the petitioners made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.

¹⁸ See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp.639, 644 (CIT 1988), *aff’d* *Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁹ For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Checklists, “Antidumping Duty Investigation Initiation Checklists: Certain Corrugated Die-Cut Cardboard Boxes from the People’s Republic of China, Malaysia, and the Republic of Türkiye,” dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Corrugated Die-Cut Cardboard Boxes from the People’s Republic of China, Malaysia, and the Republic of Türkiye (Attachment II). These checklists are on file electronically via ACCESS.

²⁰ For further discussion, see Attachment II of the Country-Specific AD Initiation Checklists.

²¹ *Id.*

²² *Id.*

²³ *Id.*; see also *Tenaris Bay City, Inc. v. United States*, No. 2025–1382, 2026 LX 545375, at *19 n.5 (Fed. Cir. Sep. 18, 2026).

²⁴ See Attachment II of the Country-Specific AD Initiation Checklists.

²⁵ *Id.*; see also section 732(c)(4)(D) of the Act.

²⁶ See Attachment II of the Country-Specific AD Initiation Checklists.

²⁷ *Id.*

²⁸ *Id.*

²⁹ For further discussion, see Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Corrugated Die-Cut Cardboard Boxes from the People’s Republic of China, Malaysia, and the Republic of Türkiye.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ See Country-Specific AD Initiation Checklists.

Normal Value³⁴

For Malaysia, the petitioners stated that they were unable to obtain home market or third-country pricing information for corrugated die-cut boxes produced in Malaysia to use as the basis for NV.³⁵ Therefore, for Malaysia, the petitioners calculated NV based on CV.³⁶ For further discussion of CV, *see* the section “Normal Value Based on Constructed Value.”

For Türkiye, the petitioners based NV on home market pricing information they obtained for corrugated die-cut boxes produced in and sold, or offered for sale, in Türkiye during the POI.³⁷ The petitioners provided information indicating that the prices for corrugated die-cut boxes sold or offered for sale in Türkiye were below the COP. Therefore, for Türkiye, the petitioners calculated NV based on CV. For further discussion of CV, *see* the section “Normal Value Based on Constructed Value.”

Commerce considers China to be an NME country.³⁸ In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of the LTFV investigation. Accordingly, we base NV on FOPs valued in surrogate market economy countries in accordance with section 773(C) of the Act.

The petitioners claim that Brazil, Mexico, and Türkiye are appropriate surrogate countries for China because they are market economy countries that are at a level of economic development comparable to that of China and are significant producers of comparable merchandise.³⁹ The petitioners provided publicly available information from Brazil, Mexico, and Türkiye to

value all FOPs.⁴³ Based on the information provided by the petitioners, we believe it is appropriate to use Brazil, Mexico, and Türkiye as surrogate countries for China to value all FOPs for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Brazilian, Mexican, and Turkish producers/exporters were not reasonably available, the petitioners used a U.S. producer's production experience and product-specific consumption rates as a surrogate to value the Chinese manufacturer's FOPs.⁴⁰ Additionally, for China, the petitioners calculated factory overhead, selling, general, and administrative (SG&A) expenses, and profit based on the experiences of Brazilian, Mexican, and Turkish producers of comparable merchandise.⁴¹

Normal Value Based on Constructed Value

As noted above for Malaysia, the petitioners stated that they were unable to obtain home market or third country prices for corrugated die-cut boxes to use as a basis for NV, and for Türkiye, the petitioners provided information indicating that the prices for corrugated die-cut boxes sold or offered for sale in Türkiye were below the COP. Therefore, for both countries, the petitioners calculated NV based on CV.⁴²

Pursuant to section 773(e) of the Act, the petitioners calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.⁴³ For both countries, in calculating the cost of manufacturing, the petitioners relied on a U.S. producer's production experience and input consumption rates for corrugated die-cut boxes, valued using publicly available information applicable to the respective countries.⁴⁴ In calculating SG&A expenses, financial expenses, and profit ratios, the petitioners relied on the fiscal year 2025 financial statements of producers of comparable

merchandise domiciled in each country, respectively.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of corrugated die-cut boxes from China, Malaysia, and Türkiye, are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for corrugated die-cut boxes for each of the countries covered by this initiation are as follows: (1) China (Brazil Surrogate)—170.40 to 297.26 percent; China (Mexico Surrogate)—97.71 to 185.92 percent; and China (Türkiye Surrogate)—99.71 to 185.04 percent; (2) Malaysia—83.72–116.58 percent; and (3) Türkiye—51.27 to 92.81 percent.⁴⁵

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of corrugated die-cut boxes from China, Malaysia, and Türkiye are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection*Malaysia and Türkiye*

In the Petitions, the petitioners identified 15 companies in Malaysia and 76 companies in Türkiye as producers and/or exporters of corrugated die-cut boxes.⁴⁶ In the event Commerce determines that the number of companies is large, and it cannot individually examine each company based on Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to potential respondents. Following the standard practice in AD investigations involving market economy countries, Commerce would normally select respondents based on U.S. Customs and Border Protection (CBP) entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading listed in the scope

³⁴ In accordance with section 773(b)(2) of the Act, for the Malaysia and Türkiye investigations, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

³⁵ *See* Malaysia AD Initiation Checklists.

³⁶ *Id.*

³⁷ *See* Türkiye AD Initiation Checklist.

³⁸ *See, e.g., Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 88 FR 34485 (May 30, 2023).

³⁹ *See* China AD Initiation Checklist.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *See* Malaysia AD Initiation Checklist and Türkiye AD Initiation Checklist.

⁴³ *See* Country-Specific AD Initiation Checklists.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *See* Petitions at Volume I (page 20 and Exhibits I–15); *see also* First General Issues Supplement at 2.

of the investigations. However, for these investigations, the main HTSUS subheading under which the subject merchandise would enter (4819.10.0020) is a basket category under which non-subject merchandise may also enter. Therefore, we cannot rely on CBP entry data in selecting respondents. Notwithstanding the decision to rely on Q&V questionnaires for respondent selection, due to the number of producers and/or exporters identified in the Petitions, Commerce has determined to limit the number of Q&V questionnaires that it will issue to producers and/or exporters based on CBP data for corrugated die-cut boxes from Malaysia and Türkiye during the POI under the appropriate HTSUS subheading listed in the “Scope of the Investigations,” in the appendix.⁴⁷ Accordingly, for Malaysia and Türkiye, Commerce will send Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record.

Commerce will post the Q&V questionnaire along with filing instructions on Commerce’s website at <https://www.trade.gov/ec-adc-vd-qv-questionnaire>. Producers/exporters of corrugated die-cut boxes from Malaysia and Türkiye that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce’s website. Responses to the Q&V questionnaire must be submitted by the relevant Malaysian and Turkish producers/exporters no later than 5:00 p.m. ET on November 2, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce’s website at <https://www.trade.gov/administrative-protective-orders>.

China

In the Petitions, the petitioners identified 81 companies in China as producers and/or exporters of

corrugated die-cut boxes.⁴⁸ Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on Q&V questionnaires in cases where Commerce has determined that the number of companies is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Given the number of producers and/or exporters identified in the Petition, Commerce has determined that it will issue Q&V questionnaires to the largest producers and/or exporters in China that are identified in the CBP entry data for which there is complete address information on the record.⁴⁹

Commerce will post the Q&V questionnaire along with filing instructions on Commerce’s website at <https://www.trade.gov/ec-adc-vd-qv-questionnaire>. Producers/exporters of corrugated die-cut boxes from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce’s website. Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on November 2, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce’s website at <https://www.trade.gov/administrative-protective-orders>.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate

application in an NME investigation are outlined in detail in the application itself, which is available on Commerce’s website at <https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications>. Note that Commerce recently promulgated new regulations pertaining to separate rates, including the separate rate application deadline and eligibility for separate rate status, in 19 CFR 351.108.⁵⁰ Pursuant to 19 CFR 351.108(d)(1), the separate rate application will be due 21 days after publication of this initiation notice.⁵¹ Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. In addition, pursuant to 19 CFR 351.108(e), exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they fully respond to all parts of Commerce’s AD questionnaire and participate in the LTFV proceeding as mandatory respondents.⁵² Commerce requires that companies from China submit a response to the Q&V questionnaire and a separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of “combination rates” because such

⁴⁸ See Petitions at Volume I (page 15 and Exhibit I-15); see also First General Issues Supplement at 1 and Exhibit I-Supp-1.

⁴⁹ See Memorandum, “Release of U.S. Customs and Border Protection Entry Data,” dated October 15, 2026.

⁵⁰ See *Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws*, 89 FR 101694, 101759–60 (December 16, 2024).

⁵¹ See 19 CFR 351.108(d)(1).

⁵² See 19 CFR 351.108(e).

⁴⁷ See Country-Specific Memoranda, “Release of U.S. Customs and Border Protection Entry Data,” dated October 15, 2026.

rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.⁵³

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public versions of the Petitions have been provided to the Governments of China, Malaysia, and Türkiye via ACCESS. To the extent practicable, we will attempt to provide copies of the public versions of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 25 days after the date on which the ITC receives notice from Commerce of initiation of the investigations, whether there is a reasonable indication that imports of corrugated die-cut boxes from China, Malaysia, and/or Türkiye are materially injuring, or threatening material injury to, a U.S. industry.⁵⁴ A negative ITC determination for any country will result in the investigation being terminated with respect to that country.⁵⁵ Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which

subsection of 19 CFR 351.102(b)(21) the information is being submitted⁵⁶ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁵⁷ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.*, a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.*, a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance

with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁵⁸ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.⁵⁹

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁶⁰ Parties must use the certification formats provided in 19 CFR 351.303(g).⁶¹ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

⁵⁸ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁵⁹ See 19 CFR 351.302; see also, *e.g.*, *Time Limits Final Rule*.

⁶⁰ See section 782(b) of the Act.

⁶¹ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2023) (*Final Rule*). Additional information regarding the *Final Rule* is found at <https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1787683944756>.

⁵³ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, “Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries,” (April 5, 2005), at 6 (emphasis added), available on Commerce's website at <https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0>.

⁵⁴ See section 733(a) of the Act.

⁵⁵ *Id.*

⁵⁶ See 19 CFR 351.301(b).

⁵⁷ See 19 CFR 351.301(b)(2).

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁶²

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 19, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Investigations

The merchandise covered by these investigations is certain corrugated die-cut cardboard boxes. Corrugated die-cut cardboard boxes are a type of box or carton for use in the food service industry, including to hold pizza pies. Corrugated die cut cardboard boxes are typically manufactured from corrugated paperboard, which is commonly referred to as corrugated cardboard. Corrugated die-cut cardboard boxes are often shipped or delivered flat in bundles of corrugated cardboard die-cut blanks, which are in a ready-to-assemble state such that they can be easily folded by the end user into a ready-to-use food service box.

The corrugated die-cut cardboard boxes covered by these investigations include corrugated cardboard die-cut blanks, whether finished or unfinished and assembled or unassembled. A finished corrugated die-cut cardboard box, whether assembled or unassembled, is one that has undergone final processing, including, but not limited to, printing, coating, or other finishing operations. An unfinished corrugated die-cut cardboard box, whether assembled or unassembled, is one that has not yet undergone final processing.

Corrugated die-cut cardboard boxes are produced from corrugated cardboard sheets that are made from recycled or virgin paper or paperboard materials, which may be bleached or unbleached. These cardboard sheets are “corrugated” or “fluted,” which means that they contain at least two outer layers (i.e., top and bottom) of paper or paperboard and an inside layer of fluted paper or paperboard in between the outer layer, such that the inside layer contains channels or pockets of air which makes the cardboard sheet lightweight while retaining strength and durability. The subject merchandise includes corrugated die-cut cardboard boxes with a nominal flute height

or thickness between 1.1 millimeters and 4.4 millimeters (which encompasses B-flute, C-flute, D-flute, and E-flute design, as well as any equivalent types of corrugation or fluting).

Corrugated cardboard die-cut blanks are typically formed from corrugated cardboard sheets that are cut to length, die cut into specific box shapes, and/or scored to allow the box to be folded into shape. Subject corrugated die-cut cardboard boxes are typically assembled by the end user by folding a corrugated cardboard die-cut blank into its final shape and generally consist of a single die-cut blank that forms the walls and lid of the finished box. Subject corrugated die-cut cardboard boxes are not typically glued or otherwise assembled using adhesives into their final shape prior to use. The scope of these investigations covers both corrugated die-cut cardboard boxes and corrugated cardboard die-cut blanks, regardless of whether they are finished or assembled at the time of importation.

As they are intended for food contact, in-scope corrugated die-cut cardboard boxes are produced in accordance with food contact safety requirements and are often compliant with U.S. Food and Drug Administration requirements, such as 21 CFR 176.170.

The subject merchandise includes corrugated die-cut cardboard boxes regardless of shape. When assembled, subject corrugated die-cut cardboard boxes are often rectangular or square in shape when viewed from above, but they may take on other shapes, such as round, hexagonal, or octagonal. A finished and assembled subject corrugated die-cut cardboard box has a length (i.e., the longest dimension) that is at least five inches and a width that is at least five inches. A finished and assembled subject corrugated die-cut cardboard box has a length and width that is no more than 40 inches. The height (i.e., the shortest dimension) of a finished and assembled subject corrugated die-cut cardboard box is no greater than four inches. The width, length, and height dimensions are to be based on the dimensions of the die-cut shape of an individual corrugated die-cut cardboard box or corrugated cardboard die-cut blank, even if the box or blank is imported in a manner in which it is minimally connected to other boxes or blanks, such as through nicking, perforations, or similar attachments.

The corrugated die-cut cardboard boxes covered by the scope of these investigations include merchandise with or without color or printing, such that they may be decorated with one or more graphical designs or logos, or they may be entered in a blank, unprinted state. A corrugated die-cut cardboard box is subject to these investigations regardless of the color of the paper, paperboard, or cardboard. Any graphical images may be printed directly onto the paper, paperboard, or cardboard or they may be overlaid onto the outer or inner faces of a corrugated die-cut cardboard box. Subject corrugated die-cut cardboard boxes are also covered by the scope regardless of whether or not they are coated or lined, including with any materials to increase grease resistance.

The subject merchandise includes corrugated die-cut cardboard boxes with or

without ventilation holes or perforations as well as with or without features for holding condiments or other foods. They may include tabs that allow for easily opening the lid. Subject merchandise generally does not incorporate locking tabs, interlocking side panels, folded retention flaps, “dog-ear” closures, or similar mechanisms designed to secure the lid to the body of the box. Subject corrugated die-cut cardboard boxes are covered by the scope whether or not they are accompanied by other parts or materials. The addition of any non-paper, paperboard, or -cardboard materials, such as liners, inserts, or holders, does not remove the subject corrugated die-cut cardboard box from the scope of these investigations.

The corrugated die-cut cardboard boxes subject to these investigations include those products that have been subjected to further processing in a third country, which includes but is not limited to printing, coating, trimming, cutting, punching, assembling, folding, perforating, and/or additional die-cutting or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the in-scope corrugated die-cut cardboard box.

The corrugated die-cut cardboard boxes subject to these investigations are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 4819.10.0020. This HTSUS subheading is provided for convenience and customs purposes only, and the written description of the merchandise subject to the investigations is dispositive.

[FR Doc. 2026–21783 Filed 10–23–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–074]

Common Alloy Aluminum Sheet From the People’s Republic of China: Rescission of Countervailing Duty Administrative Review; 2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on common alloy aluminum sheet (CAAS) from the People’s Republic of China (China), covering the period (POR) of January 1, 2025, through December 31, 2025.

DATES: Applicable October 26, 2026.

FOR FURTHER INFORMATION CONTACT: Alexander Wolfe, 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) 482–5826.

⁶² See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

SUPPLEMENTARY INFORMATION:**Background**

On February 6, 2019, Commerce published in the **Federal Register** the CVD order on CAAS from China.¹ On February 2, 2026, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On March 31, 2026, pursuant to requests from interested parties,³ Commerce initiated an administrative review with respect to four companies: Alcha International Holdings Limited (Alcha International), Jiangsu Alcha Aluminum Co., Ltd. (Jiangsu Alcha), Yantai Jintai International Trade Co., Ltd. (Yantai Jintai), and Yinbang Clad Material Co., Ltd. (Yinbang).⁴

On April 6, 2026, we placed on the record U.S. Customs and Border Protection (CBP) data for the entries of CAAS from China during the POR and invited interested parties to comment.⁵ No interested party submitted comments regarding the CBP data. The CBP data showed that Yantai Jintai and Yinbang were the only companies subject to this administrative review with suspended entries of subject merchandise during the POR.⁶ On May 29, 2026, Yantai Jintai withdrew its request for an administrative review of itself.⁷ On June 29, 2026, the petitioner withdrew its request for an administrative review of Yinbang.⁸ No other interested party requested review of Yantai Jintai or Yinbang.

On June 30, 2026, Commerce notified interested parties that it intended to rescind the administrative review with respect to Alcha International and Jiangsu Alcha, because these companies did not have reviewable entries of

subject merchandise during the POR for which liquidation is suspended.⁹ On August 3, 2026, Commerce issued a corrected notification of its intent to rescind the administrative review.¹⁰ No interested party submitted comments regarding Commerce's intent to rescind the administrative review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a CVD order where it concludes that there were no suspended entries of subject merchandise during the POR for an exporter or producer.¹¹ Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate for the review period.¹² 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 CVD assessment rate for the review period.¹³

As noted above, CBP entry data showed that there were no POR entries of subject merchandise for Alcha International or Jiangsu Alcha, the only companies for which requests for review were not withdrawn. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are rescinding this administrative review, in its entirety, in accordance with 19 CFR 351.213(d)(3).

Cash Deposit Requirements

As Commerce has proceeded to a final rescission of this administrative review, no cash deposit rates will change. Accordingly, the current cash deposit requirements shall remain in effect until further notice.

Assessment Rates

Commerce will instruct CBP to assess countervailing duties on all appropriate entries. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing 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 assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Notification Regarding Administrative Protective Order (APO)

This notice serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of the APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with regulations and terms of an APO is a violation, which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: October 19, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–21779 Filed 10–23–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[C–489–861]

Certain Corrugated Die-Cut Cardboard Boxes From the Republic of Türkiye: Initiation of Countervailing Duty Investigation

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

DATES: Applicable October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Danielle Buffa, Office VI, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8021.

SUPPLEMENTARY INFORMATION:**The Petition**

On September 9, 2026, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD)

¹ See *Common Alloy Aluminum Sheet from the People's Republic of China: Countervailing Duty Order*, 84 FR 2157 (February 6, 2019) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 91 FR 4500 (February 2, 2026).

³ See Petitioner's Letter, "Domestic Industry's Request for Administrative Reviews," dated February 27, 2026; see also Yantai Jintai's Letter, "Request for Review," dated March 2, 2026. The petitioner refers to Aluminum Association Common Alloy Aluminum Sheet Trade Enforcement Working Group and its individual members.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 91 FR 15951 (March 31, 2026) (*Initiation Notice*).

⁵ See Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated April 6, 2026.

⁶ See Memorandum, "Respondent Selection," dated April 30, 2026.

⁷ See Yantai Jintai's Letter, "Yantai Jintai Withdrawal of Request for Administrative Review," dated May 29, 2026.

⁸ See Petitioner's Letter, "Domestic Industry's Withdrawal of Request for Administrative Review," dated June 29, 2026.

⁹ See Memorandum, "Notice of Intent to Rescind Review, In Part," dated June 30, 2026.

¹⁰ See Memorandum, "Notice of Intent to Rescind, Correction," dated August 3, 2026. In its June 30, 2026, memorandum, Commerce inadvertently identified two additional companies for rescission of the administrative review, which were not under review.

¹¹ See, e.g., *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*; 2015, 82 FR 14349 (March 20, 2017); see also *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review*; 2018, 84 FR 14650 (April 11, 2019).

¹² See 19 CFR 351.212(b)(2).

¹³ See 19 CFR 351.212(d)(3).

petition concerning imports of certain corrugated die-cut cardboard boxes (corrugated die-cut boxes) ¹ from the Republic of Türkiye (Türkiye), filed in proper form on behalf of the American Pizza Boxes Manufacturers Coalition,² and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the petitioners), the members of which are domestic producers of corrugated die-cut boxes and a certified union, which represents workers engaged in the production of corrugated die-cut boxes in the United States.³ The CVD Petition was accompanied by antidumping duty (AD) petitions concerning imports of corrugated die-cut boxes from the People's Republic of China, Malaysia, and Türkiye.⁴

On September 29, 2026, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support, because it was not clear from the Petition whether the industry support criteria had been met.⁵

Between September 15 and October 1, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.⁶ Between September 21 and October 6, 2026, the petitioners filed timely responses to these requests for additional information.⁷

¹ See Memorandum, "Product Name Change," dated September 29, 2026.

² The members of the American Pizza Boxes Manufacturers Coalition are Smurfit Westrock plc and Pratt Industries, Inc.

³ See Petitioners' Letter, "Petition for the Imposition of Antidumping and Countervailing Duties," dated September 9, 2026 (Petition).

⁴ *Id.*

⁵ See Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Corrugated Die-Cut Cardboard Boxes from the People's Republic of China, Malaysia, and the Republic of Türkiye, 91 FR 62690 (October 2, 2026) (Initiation Extension Notice).

⁶ See Commerce's Letters, "Supplemental Questions," dated September 16, 2026 (First General Issues Supplemental Questionnaire); "Supplemental Questions," dated September 15, 2026; "Supplemental Questions," dated September 24, 2026 (Second General Issues Questionnaire); "Supplemental Questions," dated September 16, 2026; "Supplemental Questions," dated September 23, 2026; and "Supplemental Questions," dated October 1, 2026 (Third General Issues Questionnaire).

⁷ See Petitioner's Letters, "Petitioners' Response to the 1st Supplemental Questionnaire Regarding General Issues and Injury Volume I of the Petition," dated September 21, 2026 (First General Issues Supplement); "Petitioners' Response to the 1st Supplemental Questionnaire Regarding Türkiye Vol. V of the Petition," dated September 18, 2026; "Petitioners' Response to the 2nd Supplemental Questionnaire Regarding General Issues and Injury Volume I of the Petition," dated September 28, 2026 (Second General Issues Supplement); "Petitioners' Response to the 2nd Supplemental Questionnaire

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of Türkiye (GOT) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of corrugated die-cut boxes from Türkiye, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing corrugated die-cut boxes in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(D) and (E) of the Act.⁸ Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁹

Period of Investigation (POI)

Because the Petition was filed on September 9, 2026, the POI is January 1, 2025 through December 31, 2025.¹⁰

Scope of the Investigation

The products covered by this investigation are corrugated die-cut boxes from Türkiye. For a full description of the scope of this investigation, see the appendix to this notice.

Comments on the Scope of the Investigation

Between September 16 and October 1, 2026, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.¹¹ Between September 21

Regarding Türkiye Vol. V of the Petition," dated September 21, 2026; "Petitioners' Part 2 of Response to the 2nd Supplemental Questionnaire Regarding Türkiye Vol. V of the Petition," dated September 22, 2026; and "Petitioners' Response to the 3rd Supplemental Questionnaire Regarding the Republic of Türkiye Volume V of the Petition," dated September 24, 2026; "Response to Third General Issues Supplemental Questions," dated October 6, 2026 (Third General Issues Supplement).

⁸ The members of the petitioning coalition are interested parties under section 771(9)(C) of the Act.

⁹ See section on "Determination of Industry Support for the Petition," *infra*.

¹⁰ See 19 CFR 351.204(b)(2).

¹¹ See First General Issues Supplemental Questionnaire; see also Second General Issues Supplemental Questionnaire.

and October 6, 2026, the petitioners provided clarifications and revised the scope.¹² The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).¹³ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.¹⁴ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on November 9, 2026, which is the next business day after 20 calendar days from the signature date of this notice.¹⁵ Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on November 19, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently

¹² See First General Issues Supplement at 2–7 and Exhibits I-Supp-2 through I-Supp-4; see also Second General Issues Supplement at 1–16 and Exhibits I-Supp2–2 through I-Supp2–4; and Third General Issues Supplement at 1–5 and Exhibits I-Supp3–1 through I-Supp3–4.

¹³ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); see also 19 CFR 351.312.

¹⁴ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁵ The deadline for scope comments falls on November 8, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, November 9, 2026). See 19 CFR 351.303(b)(1) ("For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day").

finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹⁶ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOT of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹⁷ Commerce held consultations with the GOT on September 25, 2026.¹⁸ Additionally, given the nature of certain subsidy programs alleged in the Petition, Commerce provided the Government of Russia (GOR) with the opportunity to meet with Commerce officials.¹⁹ Commerce met with the GOR on September 23, 2026.²⁰

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25

percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,²¹ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.²²

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the

investigation.²³ Based on our analysis of the information submitted on the record, we have determined that corrugated die-cut boxes, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.²⁴

As noted above, on September 29, 2026, Commerce extended the initiation deadline by 20 days to further examine the issue of industry support.²⁵ In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the appendix to this notice. To establish industry support, the petitioners provided their own shipments of corrugated die-cut boxes in 2025 and compared this to the estimated total shipments of the domestic like product for the entire domestic industry.²⁶ Because total production data for the domestic like product for 2025 are not reasonably available to the petitioners, and the petitioners have established that shipments are a reasonable proxy for production data,²⁷ we relied on data provided by the petitioners for purposes of measuring industry support.²⁸

Our review of the data provided in the Petition, the First General Issues Supplement, Second General Issues Supplement, Third General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.²⁹ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not

¹⁶ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

¹⁷ See Commerce's Letter, "Invitation for Consultations to Discuss the Countervailing Duty Petition," dated September 9, 2026.

¹⁸ See Memorandum, "Consultations with the Government of Türkiye," dated September 28, 2026; see also GOT's Letter, "Consultations Held on September 25, 2026," dated September 25, 2026.

¹⁹ See Commerce's Letter, "Alleged Transnational Subsidy Programs," dated September 10, 2026.

²⁰ See Memorandum, "Consultations with the Government of Russia," dated September 28, 2026; see also GOR's Letter, "Alleged Transnational Subsidy Program," dated September 24, 2026.

²¹ See section 771(10) of the Act.

²² See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

²³ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, "Countervailing Duty Investigation Initiation Checklist: Certain Corrugated Die-Cut Cardboard Boxes from the Republic of Türkiye," dated concurrently with, and hereby adopted by, this notice (Türkiye CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petition Covering Certain Corrugated Die-Cut Cardboard Boxes from the People's Republic of China, Malaysia, and the Republic of Türkiye (Attachment II). This checklist is on file electronically via ACCESS.

²⁴ For further discussion, see Attachment II of the Türkiye CVD Initiation Checklist.

²⁵ See *Initiation Extension Notice*.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*; see also *Tenaris Bay City, Inc. v. United States*, No. 2025–1382, 2026 LX 545375, at *19 n.5 (Fed. Cir. Sep. 18, 2026).

²⁹ See Attachment II of the Türkiye CVD Initiation Checklist.

required to take further action in order to evaluate industry support (e.g., polling).³⁰ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.³¹ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.³² Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.³³

Injury Test

Because Türkiye is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Türkiye materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.³⁴

The petitioners contend that the industry’s injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and/or suppression; lost sales and revenues; declines in production, capacity utilization, U.S. shipments, and employment variables;

facility closures; negative impact on industry’s development efforts and returns on new investments; and negative impact on financial performance.³⁵ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.³⁶

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of corrugated die-cut boxes from Türkiye benefit from countervailable subsidies conferred by the GOT. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 66 programs alleged by the petitioners. For a full discussion of the basis for our decision to initiate on each program, *see* the Türkiye CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioners identified 76 companies in Türkiye.³⁷ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in the investigation. In the event that Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce’s resources, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to the potential respondents. Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized tariff Schedule of the United States (HTSUS) subheading listed in the “Scope of the Investigation,” in the appendix.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *See* Petition at Volume I (page 20 and Exhibits I–15); *see also* First General Issues Supplement at 2.

However, for this investigation, the main HTSUS subheading under which the subject merchandise would enter (HTSUS 4819.10.0020) is a basket category under which non-subject merchandise may also enter. Therefore, we cannot rely on CBP entry data in selecting respondents. Notwithstanding the decision to rely on Q&V questionnaires for respondent selection, due to the number of producers and/or exporters identified in the Petition, Commerce has determined to limit the number of Q&V questionnaires that it will issue to producers and/or exporters based on CBP data for corrugated die-cut boxes from Türkiye during the POI under the appropriate HTSUS subheading listed in the “Scope of the Investigation,” in the appendix. Accordingly, Commerce will send Q&V questionnaires to the largest Turkish producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record.³⁸

Commerce will post the Q&V questionnaires along with filing instructions on Commerce’s website at <https://www.trade.gov/ec-adcvd-qv-questionnaire>. Producers/exporters of corrugated die-cut boxes from Türkiye that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce’s website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. ET on November 2, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce’s website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of a Copy of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOT via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the

³⁸ *See* Memorandum, Release of U.S. Customs and Border Protection Entry Data,” dated October 15, 2026.

³⁰ *Id.*; *see also* section 702(c)(4)(D) of the Act.

³¹ *See* Attachment II of the Türkiye CVD Initiation Checklist.

³² *Id.*

³³ *Id.*

³⁴ For further discussion, *see* the Türkiye CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Corrugated Die-Cut Cardboard Boxes from the People’s Republic of China, Malaysia, and the Republic of Türkiye.

Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 25 days after the date on which the ITC receives notice from Commerce of initiation of the investigation, whether there is a reasonable indication that imports of corrugated die-cut boxes from Türkiye are materially injuring, or threatening material injury to, a U.S. industry.³⁹ A negative ITC determination will result in the investigation being terminated.⁴⁰ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁴¹ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁴² Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR

351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁴³ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.⁴⁴

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴⁵ Parties must use the certification formats provided in 19 CFR 351.303(g).⁴⁶ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR

351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁷

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 19, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Investigation

The merchandise covered by this investigation is certain corrugated die-cut cardboard boxes. Corrugated die-cut cardboard boxes are a type of box or carton for use in the food service industry, including to hold pizza pies. Corrugated die cut cardboard boxes are typically manufactured from corrugated paperboard, which is commonly referred to as corrugated cardboard. Corrugated die-cut cardboard boxes are often shipped or delivered flat in bundles of corrugated cardboard die-cut blanks, which are in a ready-to-assemble state such that they can be easily folded by the end user into a ready-to-use food service box.

The corrugated die-cut cardboard boxes covered by this investigation include corrugated cardboard die-cut blanks, whether finished or unfinished and assembled or unassembled. A finished corrugated die-cut cardboard box, whether assembled or unassembled, is one that has undergone final processing, including, but not limited to, printing, coating, or other finishing operations. An unfinished corrugated die-cut cardboard box, whether assembled or unassembled, is one that has not yet undergone final processing.

Corrugated die-cut cardboard boxes are produced from corrugated cardboard sheets that are made from recycled or virgin paper or paperboard materials, which may be bleached or unbleached. These cardboard sheets are "corrugated" or "fluted," which means that they contain at least two outer layers (i.e., top and bottom) of paper or paperboard and an inside layer of fluted paper or paperboard in between the outer layer, such that the inside layer contains channels or pockets of air which makes the cardboard sheet lightweight while retaining strength and durability. The subject merchandise includes corrugated die-cut cardboard boxes with a nominal flute height or thickness between 1.1 millimeters and 4.4 millimeters (which encompasses B-flute, C-flute, D-flute, and E-flute design, as well as any equivalent types of corrugation or fluting).

Corrugated cardboard die-cut blanks are typically formed from corrugated cardboard sheets that are cut to length, die cut into

³⁹ See 19 CFR 351.302.

⁴⁴ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴⁵ See section 782(b) of the Act.

⁴⁶ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at <https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1787683944756>.

³⁹ See section 703(a)(1) of the Act.

⁴⁰ *Id.*

⁴¹ See 19 CFR 351.301(b).

⁴² See 19 CFR 351.301(b)(2).

⁴⁷ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

specific box shapes, and/or scored to allow the box to be folded into shape. Subject corrugated die-cut cardboard boxes are typically assembled by the end user by folding a corrugated cardboard die-cut blank into its final shape and generally consist of a single die-cut blank that forms the walls and lid of the finished box. Subject corrugated die-cut cardboard boxes are not typically glued or otherwise assembled using adhesives into their final shape prior to use. The scope of this investigation covers both corrugated die-cut cardboard boxes and corrugated cardboard die-cut blanks, regardless of whether they are finished or assembled at the time of importation.

As they are intended for food contact, in-scope corrugated die-cut cardboard boxes are produced in accordance with food contact safety requirements and are often compliant with U.S. Food and Drug Administration requirements, such as 21 CFR 176.170.

The subject merchandise includes corrugated die-cut cardboard boxes regardless of shape. When assembled, subject corrugated die-cut cardboard boxes are often rectangular or square in shape when viewed from above, but they may take on other shapes, such as round, hexagonal, or octagonal. A finished and assembled subject corrugated die-cut cardboard box has a length (*i.e.*, the longest dimension) that is at least five inches and a width that is at least five inches. A finished and assembled subject corrugated die-cut cardboard box has a length and width that is no more than 40 inches. The height (*i.e.*, the shortest dimension) of a finished and assembled subject corrugated die-cut cardboard box is no greater than four inches. The width, length, and height dimensions are to be based on the dimensions of the die-cut shape of an individual corrugated die-cut cardboard box or corrugated cardboard die-cut blank, even if the box or blank is imported in a manner in which it is minimally connected to other boxes or blanks, such as through nicking, perforations, or similar attachments.

The corrugated die-cut cardboard boxes covered by the scope of this investigation include merchandise with or without color or printing, such that they may be decorated with one or more graphical designs or logos, or they may be entered in a blank, unprinted state. A corrugated die-cut cardboard box is subject to this investigation regardless of the color of the paper, paperboard, or cardboard. Any graphical images may be printed directly onto the paper, paperboard, or cardboard or they may be overlaid onto the outer or inner faces of a corrugated die-cut cardboard box. Subject corrugated die-cut cardboard boxes are also covered by the scope regardless of whether or not they are coated or lined, including with any materials to increase grease resistance.

The subject merchandise includes corrugated die-cut cardboard boxes with or without ventilation holes or perforations as well as with or without features for holding condiments or other foods. They may include tabs that allow for easily opening the lid. Subject merchandise generally does not incorporate locking tabs, interlocking side panels, folded retention flaps, “dog-ear” closures, or similar mechanisms designed to

secure the lid to the body of the box. Subject corrugated die-cut cardboard boxes are covered by the scope whether or not they are accompanied by other parts or materials. The addition of any non-paper, paperboard, or -cardboard materials, such as liners, inserts, or holders, does not remove the subject corrugated die-cut cardboard box from the scope of this investigation.

The corrugated die-cut cardboard boxes subject to this investigation include those products that have been subjected to further processing in a third country, which includes but is not limited to printing, coating, trimming, cutting, punching, assembling, folding, perforating, and/or additional die-cutting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope corrugated die-cut cardboard box.

The corrugated die-cut cardboard boxes subject to this investigation are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 4819.10.0020. This HTSUS subheading is provided for convenience and customs purposes only, and the written description of the merchandise subject to the investigation is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–872, C–201–873]

Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping and Countervailing Duty Petitions: Certain Railway Tank Cars and Parts Thereof From Mexico

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

DATES: Applicable October 20, 2026.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros at (202) 482–7425 (AD) and Stefan Smith at (202) 482–4342 (CVD), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

Extension of Initiation of Investigations The Petitions

On September 30, 2026, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) and countervailing duty (CVD) petitions on imports of certain railway tank cars and parts thereof (tank cars) from Mexico filed in proper form on behalf of UTLX

Manufacturing LLC (the petitioner), a domestic producer of tank cars.¹

Determination of Industry Support for the Petitions

Sections 702(b)(1) and 732(b)(1) of the Tariff Act of 1930, as amended (the Act), require that a petition be filed by or on behalf of the domestic industry. To determine that the petition has been filed by or on behalf of the industry, sections 702(c)(4)(A) and 732(c)(4)(A) of the Act require that the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, sections 702(c)(4)(D) and 732(c)(4)(D) of the Act provide that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) if there is a large number of producers, determine industry support using a statistically valid sampling method to poll the industry.

Extension of Time

Sections 702(c)(1)(A) and 732(c)(1)(A) of the Act provide that within 20 days of the filing of an antidumping or countervailing duty petition, Commerce will determine, *inter alia*, whether the petition has been filed by or on behalf of the U.S. industry producing the domestic like product. Sections 702(c)(1)(B) and 732(c)(1)(B) of the Act provide that the deadline for the initiation determination, in exceptional circumstances, may be extended by 20 days in any case in which Commerce must “poll or otherwise determine support for the petition by the industry.” Because it is not clear from the Petitions whether the industry support criteria have been met, Commerce has determined it should extend the time period for determining whether to initiate the AD and CVD investigations in order to further examine the issue of industry support.

Commerce will need additional time to gather and analyze additional information regarding industry support. Therefore, it is necessary to extend the

¹ See Petitioner’s Letter, “Petitions for the Imposition of Antidumping and Countervailing Duties,” dated September 30, 2026 (Petitions).

deadline for determining the adequacy of the Petitions by an additional 20 days. As a result, in accordance with sections 702(c)(1)(B) and 732(c)(1)(B) of the Act, Commerce's initiation determination will now be due no later than November 9, 2026.

International Trade Commission Notification

Commerce will contact the U.S. International Trade Commission (ITC) and will make this extension notice available to the ITC.

Dated: October 20, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–21792 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–847]

Heavy-Walled Rectangular Welded Carbon Steel Pipes and Tubes From Mexico: Initiation and Expedited Preliminary Results of Changed Circumstances Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) is simultaneously initiating and issuing the preliminary results of a changed circumstances review (CCR) of the antidumping duty (AD) order on heavy-walled rectangular welded carbon steel pipes and tubes (HWR) from Mexico, consistent with section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 351.221(c)(3)(ii). Based on the information on the record, we preliminarily determine that Perfiles LM, S.A. de C.V. (PLM) is the successor-in-interest to Perfiles y Herrajes LM, S.A. de C.V. (PyH). Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 26, 2026.

FOR FURTHER INFORMATION CONTACT: Paola Aleman Ordaz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–4031.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2016, Commerce published in the **Federal Register** the AD order on HWR from Mexico.¹ On August 19, 2026, PLM informed Commerce that, effective July 11, 2017, it had changed its name from “Perfiles y Herrajes LM, S.A. de C.V.” (i.e., PyH) to “Perfiles LM, S.A. de C.V.” (i.e., PLM) and requested that Commerce conduct a CCR under 19 CFR 351.216(b) to determine that PLM is the successor in-interest to PyH for purposes of determining PLM's AD cash deposits and liabilities.²

On September 3, 2026, Commerce declined to initiate the CCR that PLM requested, citing the need for additional information pertaining to any changes in management, production facilities, customers, and suppliers.³ Therefore, Commerce issued a supplemental questionnaire to PLM, to which we received a timely response on September 21, 2026.⁴ We did not receive comments from other interested parties concerning this request.

Scope of the Order

The merchandise covered by the scope of the *Order* is HWR from Mexico. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.⁵

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, and 19 CFR 351.216, Commerce will conduct a CCR of an order upon receipt of information or a review request from an interested party for a review of an order which shows changed circumstances sufficient to warrant a review of the order.⁶ In the past, Commerce has used CCRs to address the applicability of cash deposit rates after there have been changes in

¹ See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders*, 81 FR 62865 (September 13, 2016) (*Order*).

² See PLM's Letter, “Request for Changed Circumstances Review and Successor-in-Interest Clarification,” dated August 19, 2026 (CCR Request).

³ See Commerce's Letter, “Antidumping Duty Changed Circumstances Review Deficiency Questionnaire,” dated September 3, 2026.

⁴ See PLM's Letter, “Response to September 3 Questionnaire,” dated September 21, 2026 (PLM's SQR).

⁵ See Memorandum, “Initiation and Expedited Preliminary Results of Changed Circumstances Review of the Antidumping Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁶ See 19 CFR 351.216(c).

the name or structure of a respondent, such as a merger or spinoff (“successor-in-interest,” or “successorship,” determinations).⁷ The information submitted by PLM supporting its claim that it is the successor-in-interest to PyH demonstrates changed circumstances sufficient to warrant such a review.⁸

The information submitted by PLM substantiates that its request is based solely on a change in the name of the company from “Perfiles y Herrajes LM, S.A. de C.V.” to “Perfiles LM, S.A. de C.V.” effective on July 11, 2017.⁹ Moreover, the evidence submitted in support of PLM's request demonstrates that PLM is otherwise the same business entity as PyH. Therefore, in accordance with the regulation referenced above, Commerce is initiating a CCR to determine whether PLM is the successor-in-interest to PyH.

Preliminary Results

Commerce is permitted by 19 CFR 351.221(c)(3)(ii) to combine the notice of initiation of a CCR and the preliminary results if Commerce concludes that expedited action is warranted. In this instance, because the record contains information necessary to make a preliminary finding, we find that expedited action is warranted and we have combined the notice of initiation and the preliminary results.

Accordingly, pursuant to section 751(b) of the Act, we have conducted a successor-in-interest analysis in response to PLM's request. In making a successor-in-interest determination in an AD CCR, Commerce examines several factors, including, but not limited to, changes in the following: (1) management and ownership; (2) production facilities; (3) supplier relationships; and (4) customer base.¹⁰ While no single factor or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, Commerce will consider the new company to be the successor to the

⁷ See, e.g., *Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 82 FR 51605, 51606 (November 7, 2017), unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review*, 82 FR 60177 (December 19, 2017) (*Diamond Sawblades*).

⁸ See 19 CFR 351.216(d).

⁹ See PLM's SQR.

¹⁰ See, e.g., *Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 83 FR 37784, 37784 (August 2, 2018), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 83 FR 49909 (October 3, 2018) (*Shrimp from India*).

previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.¹¹ Thus, if the evidence demonstrates that, with respect to the production and sales of the subject merchandise, the new company operates as essentially the same business entity as the former company, Commerce will assign to the new company the cash deposit rate of its predecessor.¹²

In its CCR request, PLM provided evidence demonstrating that PLM's operations are not materially dissimilar from those of PyH. Based on the record, we preliminarily determine that PLM is the successor-in-interest to PyH, as the change in the name was not accompanied by significant changes to its management and ownership, production, facilities, supplier relationships, or customer base. There is also no evidence of significant changes between PyH and the successor-in-interest company PLM's operations, ownership, or corporate or legal structure during the relevant period that could have impacted the successor-in-interest company's subsidy levels.¹³ Thus, we preliminarily determine that PLM operates as essentially the same business entity as PyH, that PLM is the successor-in-interest to PyH, and that PLM should receive the same AD cash deposit rate with respect to subject merchandise as its predecessor, PyH.

For a complete discussion of the information that PLM provided, and the complete successor-in-interest analysis, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included 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), 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>.

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 seven days after the date of the publication of this notice.¹⁴ Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.¹⁵ 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.¹⁶ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁷ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this CCR. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁸

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within seven 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.¹⁹ Parties should confirm the date and the time of the hearing two days before the scheduled date.

Final Results of Review

Should our final results remain unchanged from these preliminary results, we intend to instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by PLM the AD cash deposit rate applicable to PyH. Consistent with 19 CFR 351.216(e), we intend to issue the final results of this CCR no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree with our preliminary finding.

Notification to Interested Parties

This initiation and preliminary results notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216(b), 351.221(b) and 351.221(c)(3).

Dated: October 20, 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. Preliminary Successor-in-Interest Determination
- V. Recommendation

[FR Doc. 2026-21790 Filed 10-23-26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-246]

Certain Amine Compounds From the People's Republic of China: Initiation of Countervailing Duty Investigation

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

DATES: Applicable October 19, 2026.

¹⁹ See 19 CFR 351.310(d).

¹¹ See, e.g., *Shrimp from India*.

¹² See, e.g., *Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India*, 77 FR 64953 (October 24, 2012), unchanged in *Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India*, 77 FR 73619 (December 11, 2012); see also *Notice of Initiation and Preliminary Results of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China*, 85 FR 5193 (January 29, 2020), unchanged in *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Results of Changed Circumstances Reviews*, 85 FR 14638 (March 13, 2020).

¹³ See CCR Request; see also PLM's SQR.

¹⁴ See 19 CFR 351.309.

¹⁵ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹⁶ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023).

FOR FURTHER INFORMATION CONTACT: Alex DiCenso and Roee Tenne, Office VII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0689 or (202) 482-3996, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On September 29, 2026, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of certain amine compounds (amine compounds) from the People's Republic of China (China), filed in proper form on behalf of Evonik Corporation and Huntsman International LLC (collectively, the petitioners), domestic producers of amine compounds.¹ The CVD Petition was accompanied by an antidumping duty (AD) petition concerning imports of amine compounds from China.²

Between October 2 and 14, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between October 7 and 15, 2026, the petitioners filed timely responses to these requests for additional information.⁴

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of amine compounds in China, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing amine compounds in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by

information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on September 29, 2026, the POI is January 1, 2025, through December 31, 2025.⁶

Scope of the Investigation

The product covered by this investigation is amine compounds from China. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between October 2 and 13, 2026, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ Between October 7 and 15, 2026, the petitioners provided clarifications and/or revised the scope.⁸ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁹ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.¹⁰ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in

their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on November 9, 2026, which is the next business day after 20 calendar days from the signature date of this notice.¹¹ Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on November 19, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹² An electronically filed document must be received successfully in its entirety by the time and date it is due.

¹¹ The deadline for scope comments falls on November 8, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, November 9, 2026). *See* 19 CFR 351.303(b)(1) ("For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day").

¹² *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

¹ *See* Petitioners' Letter, "Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Amine Compounds from the People's Republic of China," dated September 29, 2026 (Petition).

² *Id.*

³ *See* Commerce's Letters, "Supplemental Questions," dated October 2, 2026 (First General Issues Questionnaire); *see also* "Supplemental Questions," dated October 2, 2026; and "Second General Issues Supplemental Questions," dated October 13, 2026.

⁴ *See* Petitioners' Letters, "Response to Supplemental Petition Questionnaire," dated October 7, 2026 (First General Issues Supplement); "Response to the Countervailing Duty Supplemental Questionnaire," dated October 8, 2026; and "Response to Second Supplemental General Issues Questionnaire," dated October 15, 2026 (Second General Issues Supplement).

⁵ *See* section on "Determination of Industry Support for the Petition," *infra*.

⁶ *See* 19 CFR 351.204(b)(2).

⁷ *See* First General Issues Questionnaire; *see also* Second General Issues Questionnaire.

⁸ *See* First General Issues Supplement at 2–5 and Exhibits GI Supp-4 and GI-Supp-5; *see also* Second General Issues Supplement at 1–4.

⁹ *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

¹⁰ *See* 19 CFR 351.102(b)(21) (defining "factual information").

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOC of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹³ The GOC filed consultation remarks in lieu of consultations on October 16, 2026.¹⁴

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁵ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product,

such differences do not render the decision of either agency contrary to law.¹⁶

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁷ Based on our analysis of the information submitted on the record, we have determined that amine compounds, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁸

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioners provided their own 2025 production of the domestic like product and compared this to the estimated the total production of the domestic like product for the U.S. amine compounds in 2025.¹⁹ We relied on data provided by the petitioners for purposes of measuring industry support.²⁰

Our review of the data provided in the Petition and other information readily available to Commerce indicates that the petitioners have established industry

support for the Petition.²¹ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²² Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²³ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁴ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁵

Injury Test

Because China is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁶

The petitioners contend that the industry’s injured condition is illustrated by a significant increase in

¹³ See Commerce’s Letter, “Invitation for Consultations to Discuss the Countervailing Duty Petition,” dated September 29, 2026.

¹⁴ See GOC’s Letter, “Comments on CVD Petition on Certain Amine Compounds from China,” dated October 16, 2026.

¹⁵ See section 771(10) of the Act.

¹⁶ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff’d Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁷ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, “Countervailing Duty Investigation Initiation Checklist: Certain Amine Compounds from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (China CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Amine Compounds from the People’s Republic of China (Attachment II). This checklist is on file electronically via ACCESS.

¹⁸ For further discussion, see Attachment II of the China CVD Initiation Checklist.

¹⁹ See Attachment II of the China CVD Initiation Checklist.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*; see also section 702(c)(4)(D) of the Act.

²³ See Attachment II of the China CVD Initiation Checklist.

²⁴ *Id.*

²⁵ *Id.*

²⁶ For further discussion, see China CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Amine Compounds from the People’s Republic of China.

the volume of subject imports; reduced market share; underselling and price depression and suppression; declines in production, capacity utilization, U.S. shipments, and employment variables; negative impact on financial performance; and lost sales and revenues.²⁷ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁸

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of amine compounds from China benefit from countervailable subsidies conferred by the GOC. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 25 programs alleged by the petitioners. For a full discussion of the basis for our decision to initiate on each program, see the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioners identified 36 companies in China.²⁹ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to the potential respondents. Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS)

subheadings listed in the "Scope of the Investigation," in the appendix. However, for this investigation, the main HTSUS subheadings under which the subject merchandise would enter (2921.29.0055, 2922.19.9690, and 2934.99.9001) are basket categories under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaire along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adc-vd-qv-questionnaire>. Producers/exporters of amine compounds from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on November 2, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of a Copy of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of amine compounds from China are materially injuring, or threatening

material injury to, a U.S. industry.³⁰ A negative ITC determination will result in the investigation being terminated.³¹ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³² and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³³ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁴ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will

²⁷ *Id.*

²⁸ *Id.*

²⁹ See Petition at Volume I (page 9 and Exhibit I–10); see also First General Issues Supplement at 1–2 and Exhibit GI Supp–1.

³⁰ See section 703(a)(1) of the Act.

³¹ *Id.*

³² See 19 CFR 351.301(b).

³³ See 19 CFR 351.301(b)(2).

³⁴ See 19 CFR 351.302.

inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce’s regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.³⁵

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁶ Parties must use the certification

formats provided in 19 CFR 351.303(g).³⁷ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).³⁸

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 19, 2026.

Scot Fullerton,
Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.

Appendix

Scope of the Investigation

The merchandise subject to this investigation covers certain amine compounds, which are catalysts for the reaction of isocyanates with hydroxy-containing substances such as polyols and/or water. Certain amine compounds are organic compounds containing one or more nitrogen atoms that may be bonded to two or three separate carbon atoms. One or more of these carbon atoms is part of an ethylene (-CH₂CH₂-) or propylene (-CH₂CH₂CH₂-) bridge that separates the nitrogen from another nitrogen atom or an oxygen atom. One or more of the remaining carbon atoms will be part of a methyl (-CH₃) group or other alkyl group. Products that are subject to the scope are listed below and typically have the following Chemical Abstracts Service (CAS) numbers:

CAS No.	CAS common chemistry description	Molecular formula
6711–48–4	3,3'-Iminobis(N,N-dimethylpropylamine)	C ₁₀ H ₂₅ N ₃ .
2212–32–0	2-[[2-(Dimethylamino)ethyl]methylamino]ethanol	C ₇ H ₁₈ N ₂ O.
1704–62–7	2-[2-(Dimethylamino)ethoxy]ethanol	C ₆ H ₁₅ NO ₂ .
3030–47–5	Pentamethyldiethylenetriamine	C ₉ H ₂₃ N ₃ .
3033–62–3	Bis(dimethylaminoethyl) ether	C ₈ H ₂₀ N ₂ O.
6425–39–4	Dimorpholinodiethyl ether	C ₁₂ H ₂₄ N ₂ O ₃ .

Products subject to this investigation are liquids varying from clear to hazy. They have a viscosity at 25 degrees Celsius of between 1–100 mPa·s. Certain amine compounds covered by this scope have a density at 21 degrees Celsius of 0.82 to 1.05 g/cm³. Certain amine compounds covered by this scope have a molecular weight between 133 g/mol and 245 g/mol. The boiling point for subject merchandise covers a range from 185 degrees Celsius (365 degrees Fahrenheit) to 310 degrees Celsius (590 degrees Fahrenheit).

Certain amine compounds may be blended with each other or with other substances. Certain amine compounds in any blend or mixture are subject to the scope, so long as the blend or mixture contains at least 1 percent by weight of in-scope amine compounds. Any substances other than the certain amine compounds in a blend or mixture are not included in the scope.

For certain amine compounds that enter as part of a rigid or flexible polyurethane foam systems that contain a separately packaged isocyanate mixture “A side” and a polyol-based “B side” blend containing certain amine compounds, the amine compounds in the system are included in the scope so long as the B side contains at least 1 percent by weight of in-scope amine compounds. Substances other than the certain amine

compounds in the system are not included in the scope.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. If any certain amine compounds produced in China are present in blended or processed merchandise, the country of origin of the amine compounds for purposes of this investigation will be China.

Excluded from the scope of this investigation is any in-scope amine compound that is subject to existing antidumping and countervailing duty orders by nature of being part of a subject blend or mixture under the *Certain Alkyl Phosphate Esters from the People’s Republic of China* Orders. See *Certain Alkyl Phosphate Esters from the People’s Republic of China: Antidumping and Countervailing Duty Orders*, 90 FR 24579 (June 11, 2025).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings, including 2922.19.9690, 2921.29.0055, and 2934.99.9001. Subject merchandise may also

be entered under subheadings 2909.11.0000, 2921.21.0000, and 3815.90.5000. The HTSUS subheadings and CAS numbers are provided for convenience and customs purposes only; the written description of the scope is dispositive.

[FR Doc. 2026–21767 Filed 10–23–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–245]

Certain Amine Compounds From the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable October 19, 2026.

FOR FURTHER INFORMATION CONTACT: David Duffeck, Office VII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of

³⁵ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁶ See section 782(b) of the Act.

³⁷ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is found at <https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1787683944756>.

³⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3524.

SUPPLEMENTARY INFORMATION:

The Petition

On September 29, 2026, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of certain amine compounds (amine compounds) from the People's Republic of China (China), filed in proper form on behalf of Evonik Corporation and Huntsman International LLC (collectively, the petitioners), domestic producers of amine compounds.¹ The AD Petition was accompanied by a countervailing duty (CVD) petition concerning imports of amine compounds from China.²

Between October 2 and 14, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between October 7 and 15, 2026, the petitioners filed timely responses to these requests for additional information.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of amine compounds from China are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the amine compounds industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the

petitioners are interested parties, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on September 29, 2026, and because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for this LTFV investigation is January 1, 2026, through June 30, 2026.

Scope of the Investigation

The product covered by this investigation is amine compounds from China. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between October 2 and 13, 2026, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ Between October 7 and 15, 2026, the petitioners provided clarifications and/or revised the scope.⁷ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.⁹ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests

that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on November 9, 2026, which is the next business day after 20 calendar days from the signature date of this notice.¹⁰ Any rebuttal comments, which may include factual information and should also be limited to public information, must be filed by 5:00 p.m. ET on November 19, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on

¹ See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties," dated September 29, 2026 (Petition).

² *Id.*

³ See Commerce's Letters, "General Issues Supplemental Questions," dated October 2, 2026 (First General Issues Supplemental Questionnaire); "Supplemental Questions," dated October 2, 2026 (First China AD Supplemental Questionnaire); "Second Supplemental Questions," dated October 13, 2026 (Second General Issues Supplemental Questionnaire); and "Second Supplemental Questions," dated October 14, 2026 (Second China AD Supplemental Questionnaire).

⁴ See Petitioners' Letters, "Response to Supplemental Petition Questionnaire," dated October 7, 2026 (First General Issues Supplement); "Response to the Antidumping Duty Supplemental Questionnaire," dated October 7, 2026 (First China AD Supplement); "Response to Second Supplemental General Issues Questionnaire," dated October 15, 2026 (Second General Issues Supplement); and "Response to the Antidumping Duty Second Supplemental Questionnaire," dated October 15, 2026 (Second China AD Supplement).

⁵ See section on "Determination of Industry Support for the Petition," *infra*.

⁶ See First General Issues Supplemental Questionnaire; *see also* Second General Issues Supplemental Questionnaire.

⁷ See First General Issues Supplement 2–5 and Exhibits GI Supp-4 and GI-Supp-5; *see also* Second General Issues Supplement at 1–4.

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ The deadline for scope comments falls on November 8, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, November 9, 2026). *See* 19 CFR 351.303(b)(1) ("For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day").

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also* *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

the appropriate physical characteristics of amine compounds to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) accurately, as well as to develop appropriate product comparison criteria.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on November 9, 2026, which is the next business day after 20 calendar days from the signature date of this notice.¹² Any rebuttal comments must be filed by 5:00 p.m. ET on November 19, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus,

to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹³ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁴

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁵ Based on our analysis of the information submitted on the record, we have determined that amine compounds, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁶

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in

the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the appendix to this notice. To establish industry support, the petitioners provided their own 2025 production of the domestic like product and compared this to the estimated total production of the domestic like product for the U.S. amine compounds industry in 2025.¹⁷ We relied on data provided by the petitioners for purposes of measuring industry support.¹⁸

Our review of the data provided in the Petition and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.¹⁹ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).²⁰ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²¹ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²² Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²³

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports exceed the negligibility

¹³ See section 771(10) of the Act.

¹⁴ See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁵ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, "Antidumping Duty Investigation Initiation Checklist: Certain Amine Compounds from China," dated concurrently with, and hereby adopted by, this notice (China AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Amine Compounds from the People's Republic of China (Attachment II). This checklist is on file electronically via ACCESS.

¹⁶ For further discussion, see Attachment II of the China AD Initiation Checklist.

¹⁷ See Attachment II of the China AD Initiation Checklist.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*; see also section 732(c)(4)(D) of the Act.

²¹ See Attachment II of the China AD Initiation Checklist.

²² *Id.*

²³ *Id.*

¹² The deadline for product characteristics comments falls on November 8, 2026, which is a Sunday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, November 9, 2026). See 19 CFR 351.303(b)(1) ("For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day").

threshold provided for under section 771(24)(A) of the Act.²⁴

The petitioners contend that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and suppression; declines in production, capacity utilization, and U.S. shipments; negative impact on financial performance; and lost sales and revenues.²⁵ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁶

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate an LTFV investigation of imports of amine compounds from China. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the China AD Initiation Checklist.

U.S. Price

The petitioners based export price (EP) on pricing information for amine compounds produced in China and sold or offered for sale in the U.S. market during the POI.²⁷ As the delivery terms for the offered prices were unknown, the petitioners did not make any adjustments to U.S. price to calculate a net ex-factory U.S. price.²⁸

Normal Value

Commerce considers China to be an NME country.²⁹ In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is

an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of the LTFV investigation. Accordingly, we base NV on FOPs valued in surrogate market economy countries in accordance with section 773(C) of the Act.

The petitioners claim that Brazil, Malaysia, and the Republic of Türkiye (Türkiye) are appropriate surrogate countries for China because they are market economy countries that are at a level of economic development comparable to that of China and are a significant producers of comparable merchandise.³⁰ The petitioners provided publicly available information from Brazil, Malaysia, and Türkiye to value all FOPs.³¹ Based on the information provided by the petitioners, we believe it is appropriate to use Brazil, Malaysia, and Türkiye as surrogate countries for China to value all FOPs for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Brazilian, Malaysian, and Turkish producers/exporters were not reasonably available, the petitioners used a U.S. producer's production experience and product-specific consumption rates as a surrogate to value the Chinese manufacturers' FOPs.³² Additionally, the petitioners calculated factory overhead, selling, general, and administrative (SG&A) expenses, and profit based on the experiences of Brazilian, Malaysian, and Turkish producers of comparable merchandise.³³

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of amine compounds from China are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for amine compounds from China covered

by this initiation are (1) China (Brazilian surrogate)—249.86 to 352.32 percent; (2) China (Malaysia surrogate)—261.34 to 351.16 percent; (3) China (Türkiye surrogate)—244.94 to 345.96 percent.³⁴

Initiation of LTFV Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating an LTFV investigation to determine whether imports of amine compounds from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioners identified 36 companies in China as producers and/or exporters of amine compounds.³⁵ Our standard practice for respondent selection in an AD investigation involving an NME country is to select respondents based on quantity and value (Q&V) questionnaires in cases where Commerce has determined that the number is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petition, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Given the number of producers and/or exporters identified in the Petition, Commerce has determined that it will issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instruction on Commerce's website at <https://www.trade.gov/ec-adcvd-qv-questionnaire>. Producers/exporters of amine compounds from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the

²⁴ For further discussion, see China AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Amine Compounds from the People's Republic of China.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See China AD Initiation Checklist.

²⁸ *Id.*

²⁹ See, e.g., *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair Value and Final Affirmative Determination of Critical Circumstances*, 88 FR 34485 (May 30, 2023).

³⁰ See China AD Initiation Checklist.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ See Petition at Volume I (page 9) and Exhibit I-10; see also First General Issues Supplement at 1-2 and Exhibit GI Supp-1.

Q&V questionnaire may be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on November 2, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of a Copy of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of amine compounds from China are materially injuring, or threatening material injury to, a U.S. industry.³⁶ A negative ITC determination will result in the investigation being terminated.³⁷ Otherwise, this LTFV investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR

351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³⁸ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁹ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁴⁰ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations

concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.⁴¹

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴² Parties must use the certification formats provided in 19 CFR 351.303(g).⁴³ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁴

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 19, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Investigation

The merchandise subject to this investigation covers certain amine compounds, which are catalysts for the reaction of isocyanates with hydroxy-containing substances such as polyols and/or water. Certain amine compounds are organic compounds containing one or more nitrogen atoms that may be bonded to two or three separate carbon atoms. One or more of these carbon atoms is part of an ethylene ($-\text{CH}_2\text{CH}_2-$) or propylene ($-\text{CH}_2\text{CH}_2\text{CH}_2-$) bridge that separates the nitrogen from another nitrogen atom or an oxygen atom. One or more of the remaining carbon atoms will be part of a methyl ($-\text{CH}_3$) group or other alkyl group. Products that are subject to the scope are listed below and typically have the following Chemical Abstracts Service (CAS) numbers:

³⁶ See section 733(a) of the Act.

³⁷ *Id.*

³⁸ See 19 CFR 351.301(b).

³⁹ See 19 CFR 351.301(b)(2).

⁴⁰ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*)), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴¹ See 19 CFR 351.302; see also, e.g., *Time Limits Final Rule*.

⁴² See section 782(b) of the Act.

⁴³ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July

17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is found at <https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1787683944756>.

⁴⁴ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

CAS No.	CAS common chemistry description	Molecular formula
6711–48–4	3,3'-Iminobis(N,N-dimethylpropylamine)	C ₁₀ H ₂₅ N ₃
2212–32–0	2-[[2-(Dimethylamino)ethyl]methylamino]ethanol	C ₇ H ₁₈ N ₂ O
1704–62–7	2-[2-(Dimethylamino)ethoxy]ethanol	C ₆ H ₁₅ NO ₂
3030–47–5	Pentamethyldiethylenetriamine	C ₉ H ₂₃ N ₃
3033–62–3	Bis(dimethylaminoethyl) ether	C ₈ H ₂₀ N ₂ O
6425–39–4	Dimorpholinodiethyl ether	C ₁₂ H ₂₄ N ₂ O ₃

Products subject to this investigation are liquids varying from clear to hazy. They have a viscosity at 25 degrees Celsius of between 1–100 mPa·s. Certain amine compounds covered by this scope have a density at 21 degrees Celsius of 0.82 to 1.05 g/cm³. Certain amine compounds covered by this scope have a molecular weight between 133 g/mol and 245 g/mol. The boiling point for subject merchandise covers a range from 185 degrees Celsius (365 degrees Fahrenheit) to 310 degrees Celsius (590 degrees Fahrenheit).

Certain amine compounds may be blended with each other or with other substances. Certain amine compounds in any blend or mixture are subject to the scope, so long as the blend or mixture contains at least 1 percent by weight of in-scope amine compounds. Any substances other than the certain amine compounds in a blend or mixture are not included in the scope.

For certain amine compounds that enter as part of a rigid or flexible polyurethane foam systems that contain a separately packaged isocyanate mixture “A side” and a polyol-based “B side” blend containing certain amine compounds, the amine compounds in the system are included in the scope so long as the B side contains at least 1 percent by weight of in-scope amine compounds. Substances other than the certain amine compounds in the system are not included in the scope.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. If any certain amine compounds produced in China are present in blended or processed merchandise, the country of origin of the amine compounds for purposes of this investigation will be China.

Excluded from the scope of this investigation is any in-scope amine compound that is subject to existing anti-dumping and countervailing duty orders by nature of being part of a subject blend or mixture under the *Certain Alkyl Phosphate Esters from the People's Republic of China Orders*. See *Certain Alkyl Phosphate Esters from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 90 FR 24579 (June 11, 2025).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings, including 2922.19.9690, 2921.29.0055, and 2934.99.9001. Subject merchandise may also be entered under subheadings 2909.11.0000, 2921.21.0000, and 3815.90.5000. The HTSUS subheadings and CAS numbers are provided

for convenience and customs purposes only; the written description of the scope is dispositive.

[FR Doc. 2026–21766 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–821]

Prestressed Concrete Steel Wire Strand From Spain: Final Results of Antidumping Duty Administrative Review; 2024–2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Global Special Steel Products S.A.U. (d.b.a. Trenzas y Cables de Acero PSC, S.L.) (TYCSA) made sales of subject merchandise at less than normal value (NV) during the period of review (POR) June 1, 2024, through May 31, 2025.

DATES: Applicable October 26, 2026.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatryan, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On June 22, 2026, Commerce published the *Preliminary Results* in the **Federal Register** and invited comments from interested parties.¹ On July 13, 2026, TYCSA submitted a case brief.² On July 20, 2026, Insteel Wire Products Company, Sumiden Wire Products Corporation, and Wire Mesh Corp. (collectively, the petitioners) submitted a rebuttal brief.³ The deadline for these

¹ See *Prestressed Concrete Steel Wire Strand from Spain: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025*, 91 FR 37074 (June 22, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See TYCSA's Letter, “Case Brief,” dated July 13, 2026.

³ See Petitioners' Letter, “Petitioners' Rebuttal Brief,” dated July 20, 2026.

final results is now October 20, 2026.

For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁴ The Issues and 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 Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁵

The products subject to the *Order* are prestressed concrete steel wire strand from Spain. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum.

Changes Since the Preliminary Results

Based on comments received from interested parties regarding our *Preliminary Results*, we made no changes to the weighted-average dumping margin calculations for TYCSA.⁶

Final Results of Review

For these final results, we determine the following weighted-average dumping margin exists for the period June 1, 2024, through May 30, 2025:

⁴ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Antidumping Administrative Review of Prestressed Concrete Steel Wire Strand from Spain; 2024–2025,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁵ See *Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine: Antidumping Duty Orders*, 86 FR 29998 (June 4, 2021) (*Order*).

⁶ For further discussion, see Issues and Decision Memorandum.

Producer or exporter	Weighted-average dumping margin (percent)
Global Special Steel Products S.A.U. (d.b.a. Trenzas y Cables de Acero PSC, S.L.)	13.57

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with the final 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). However, because Commerce made no changes to the *Preliminary Results* calculations, there are no new calculations to disclose.

Assessment Rates

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

We calculated importer-specific *ad valorem* antidumping duty assessment rates on the basis of the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1). Where an importer-specific assessment rate is zero or *de minimis* (i.e., less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this administrative 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.⁷

Commerce’s “automatic assessment” practice will apply to entries of subject merchandise during the POR produced by TYCSA for which it did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the less-than-fair-value (LTFV) investigation (i.e., 14.75 percent),⁸ if there is no rate for the

intermediate company(ies) involved in the transaction.⁹ Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for TYCSA will be equal to the weighted-average dumping margin that is established in the final results of this review; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer is, the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 14.75 percent, the all-others rate established in the LTFV investigation.¹⁰ These deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations

and the terms of an APO is a sanctionable violation.

Notification to 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 review period. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1), 751(a)(3), and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: October 20, 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. Discussion of the Issues
 - Comment 1: Home Market Early Payment Discounts
 - Comment 2: Revising the Importer of Record Listed in the Liquidation Instructions
- V. Recommendation

[FR Doc. 2026–21791 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NOAA Diving Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. Public

⁷ See section 751(a)(2)(C) of the Act.
⁸ See Order, 86 FR at 30000.
⁹ For a full description of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).
¹⁰ See Order, 86 FR at 30000.

comments were previously requested via the **Federal Register** on August 12, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: NOAA Diving Program.

OMB Control Number: 0648–0822.

Form Number(s): NOAA Forms (NF) 57–03–07, 57–03–09, 57–03–11, 57–03–38, 57–03–39, 57–03–41, 57–03–52, and 57–03–54.

Type of Request: Regular submission [revision and extension of an existing collection].

Number of Respondents: 483.

Average Hours per Response: The time for response varies depending on the collection instrument. The response times range from one minute to two hours.

Total Annual Burden Hours: 232.

Needs and Uses: This is a request for revision and extension of an approved collection of information. Minor edits were made to remove demographic information, clarify instructions, and simplify terminology on some of the forms associated with this collection.

The NOAA Diving Program (NDP) is administered by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), and is headquartered at the NOAA Western Regional Center (WRC) in Seattle, Washington. The NDP provides the guidelines, policy, and training for all NOAA Divers, which includes all NOAA employees who dive, as well as contractors and volunteers, among others, who conduct diving operations.

With more than 300 divers, NOAA has the largest complement of divers of any civilian federal agency. NOAA Divers conduct operations in our nation's waters and beyond in support of NOAA's scientific research and operations. They are called upon to work in various conditions ranging from the warm, clear waters of a marine sanctuary to the cold, murky waters of a commercial harbor. The tasks NOAA Divers complete are as varied as the waters they dive in, with most divers supporting projects and research of the National Ocean Service (NOS), the National Marine Fisheries Service (NMFS), and the Office of Marine and Aviation Operations (OMAO).

NOAA Divers are required to maintain a high level of proficiency, both in practice (in the water) and in theoretical understanding (academic learning) in order to continue to dive at NOAA. In addition, NOAA Divers must maintain medical fitness to dive and are required to send their diving equipment

out for maintenance as scheduled. If requirements are not met, divers may become unauthorized to dive or suspended. In order to become NOAA Divers, candidates must first submit a diving physical to the NOAA Diving Medical Officers to determine if they are medically fit to dive. After that, divers must complete medical documentation annually to maintain authorization to dive. To maintain fitness to dive, it is imperative that divers recognize the need for a continual and aggressive exercise program that exceeds basic health maintenance standards.

Affected Public: Individuals.

Frequency: On occasion, as required.

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

Legal Authority: 29 CFR subpart T, Commercial Diving Operations.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0822.

Sheleen Dumas,

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

[FR Doc. 2026–21761 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG115]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability.

SUMMARY: This notice advises the public that two direct take permits 1454–3R and 1455–3R have been issued for operation, monitoring, and evaluation of a hatchery program rearing and releasing sockeye salmon in the Snake River basin of Idaho, and that the

decision documents are available upon request.

DATES: Permits 1454–3R and 1455–3R were issued on October 7, 2026, subject to certain conditions set forth therein. The permits expire on September 27, 2036.

ADDRESSES: Requests for copies of the decision documents or any of the associated documents should be directed to the West Coast Region NMFS Office, 1201 NE Lloyd Blvd., Portland, OR 97232.

The documents are also available on the internet at: <https://www.fisheries.noaa.gov/action/snake-river-sockeye-salmon-production-program>.

FOR FURTHER INFORMATION CONTACT: Andreas Raisch at (503) 230–5405 or andreas.raisch@noaa.gov.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

- Sockeye salmon (*Oncorhynchus nerka*): endangered, naturally and artificially propagated Snake River Sockeye Evolutionary Significant Unit (ESU);
- Chinook salmon (*O. tshawytscha*): threatened, naturally and artificially propagated Snake River Spring/Summer-run ESU; threatened, naturally and artificially propagated Lower Columbia River Chinook salmon ESU;
- Steelhead (*O. mykiss*): threatened, naturally and artificially propagated Snake River Steelhead Distinct Population Segment (DPS); threatened, naturally and artificially propagated Lower Columbia River Steelhead DPS; threatened, naturally and artificially propagated Middle Columbia River Steelhead DPS; threatened, naturally and artificially propagated Upper Columbia River Steelhead DPS.

Background

The operators and funding agencies, including Idaho Fish and Game, the Shoshone-Bannock Tribe, Oregon Department of Fish and Wildlife, NMFS's Northwest Fisheries Science Center, the Nez Perce Tribe and Bonneville Power Association, submitted a Hatchery and Genetic Management Plan to NMFS pursuant to NMFS' ESA section 10(a)(1)(A) for hatchery activities in the Snake River basin.

The programs are intended to contribute to the survival and recovery of Snake River Sockeye salmon in the Snake River basin. The proposed program would maintain the Snake River sockeye salmon captive broodstock, collect and spawn adult

sockeye salmon returning to the Snake River basin, rear juveniles, and release eggs, juveniles, and adult fish in upper Salmon River basin lakes, as well as into Tanner Creek, Oregon. Adult fish that return to Tanner Creek, would be transported to Eagle Fish Hatchery, Idaho for processing, and released to spawn upstream in Redfish and Pettit Lake. The proposed continuation of the program would indicate best management practices to minimize adverse effects on the ESU.

(Authority: 16 U.S.C. 1531 *et seq.*)

Dated: October 21, 2026.

Jennifer Quan,

*Regional Administrator, West Coast Region,
National Marine Fisheries Service.*

[FR Doc. 2026–21789 Filed 10–23–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of a Performance Review Board for the Department of the Army.

DATES: Applicable October 20, 2026.

FOR FURTHER INFORMATION CONTACT:

Barbara Smith, Civilian Senior Leader Management Office, 102 Army Pentagon, Washington, DC 20310–0102, email: barbara.m.smith.civ@army.mil or Phone: (703) 693–1126.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The Department of the Army Performance Review Board will be composed of a subset of the following individuals:

1. Mr. James Amato, Executive Technical Director, Deputy to the Commander, U.S. Army Test and Evaluation Command.

2. Ms. Natasha Anderson, Deputy Assistant Secretary of the Army for Financial Management and Comptroller (Financial Operations).

3. HON Marc Anderson, Assistant Secretary of the Army (Financial Management and Comptroller).

4. Mr. Michael Bailey, Director, Chemical Biological Center, U.S. Army Combat Capabilities Development Command.

5. Mr. Peter Bechtel, Assistant Deputy Chief of Staff for Operations, G–3/5/7, Deputy Chief of Staff, G–3/5/7.

6. BG Christine Beeler, Program Executive Officer, U.S. Army Acquisition Support Center.

7. LTG Peter Benchoff, Deputy Chief of Staff, G–8,

8. LTG Mark Bennett, Military Deputy for Budget, Office of the Assistant Secretary of the Army Financial Management and Comptroller.

9. Ms. Julie Blanks, Executive Director for Manpower and Reserve Affairs, Office of the Assistant Secretary of the Army, Manpower and Reserve Affairs.

10. Mr. Nicholas Boone, Director, Geotechnical and Structures Lab, U.S. Army Corps of Engineers.

11. Ms. Amy Borman, Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, Assistant Secretary of the Army for Installations, Energy and Environment.

12. Mr. John Bradsher, Director, Operations and Integration, U.S. Army Intelligence and Security Command.

13. LTG Gregory J. Brady, The Inspector General, U.S. Army Office of the Inspector General.

14. LTG E. Miles Brown, Acting Commanding General, U.S. Army Transformation and Training Command.

15. Ms. Stacey Brown, Deputy Assistant Secretary of the Army for Management and Budget, Office of the Assistant Secretary of the Army for Civil Works.

16. Ms. Kimberly Buehler, Deputy Assistant Secretary of the Army Procurement, Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

17. Mr. James Byrn, Chief Legislative Liaison, Office of the Chief Legislative Liaison.

18. Mr. Michael Cadieux, Director, CCDC Ground Vehicle Systems Center, U.S. Army Combat Capabilities Development Command.

19. Ms. Karen Carlisle, Deputy Assistant Secretary of the Army for Military Personnel, Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs.

20. Ms. Diana Connolly, Chief Analytics Officer, U.S. Army Audit Agency.

21. MG Rhett R. Cox, Commander, U.S. Army Intelligence and Security Command.

22. Ms. Karen Durham-Aguilera, Executive Director of the Army National Cemeteries Program.

23. Mr. Dennis Eger, Senior Special Advisor Open-Source Intelligence, U.S. Army Intelligence and Security Command.

24. LTG Brian Eifler, Deputy Chief of Staff, G–3/5/7, Headquarters, Department of the Army.

25. Ms. Elizabeth Ferry, Director, Control, Communications, Computers, Cyber, Intelligence, Surveillance and Reconnaissance Center, U.S. Army Combat Capabilities Development Command.

26. Mr. Jacob Fischer, Principal Deputy Assistant Secretary of the Army (Financial Management and Comptroller).

27. Dr. Elizabeth Fleming, Director, Engineer Research and Development Center, U.S. Army Corps of Engineers.

28. Mr. Michael Formica, Executive Deputy to the Commander, U.S. Army Transformation and Training Command.

29. Mr. D. Lee Forsgren, Principal Deputy Assistant Secretary of the Army (Civil Works), Office of the Assistant Secretary of the Army (Civil Works).

30. MG Gavin Gardner, Special Assistant to the Commanding General, HQ, U.S. Army Materiel Command.

31. MG Kirk E. Gibbs, Deputy Chief of Engineers, Office of the Chief of Engineers/Deputy Commanding General, U.S. Army Corps of Engineers.

32. HON Jordan Gillis, Assistant Secretary of the Army for Installations, Energy and Environment.

33. LTG William H. Graham, Chief of Engineers/Commanding General, U.S. Army Corps of Engineers.

34. Ms. Elizabeth Griffin, Director of Human Resources, U.S. Army Corps of Engineers.

35. HON Brent Ingraham, Assistant Secretary of the Army (Acquisition, Logistics, and Technology).

36. MG Jason E. Kelly, Deputy Commanding General for Civil and Emergency Operations, U.S. Army Corps of Engineers.

37. Mr. David Kim, Director of Support, (U.S. Force Modernization) U.S. Army Intelligence and Security Command.

38. Mr. Francis King, Sr. Deputy General Counsel for Litigation, Employment and Administrative Law, Office of the General Counsel.

39. LTG Gavin Lawrence, Deputy Commanding General and Senior Commander, Redstone Arsenal.

40. Mr. Norman Lawrence, Deputy to the Commanding General, U.S. Army Intelligence Center of Excellence and Fort Huachuca, U.S. Army Transformation and Training Command.

41. Mr. Stephen Loftus, Deputy Assistant Secretary of the Army, Cost and Economics, Assistant Secretary of the Army for Financial Management and Comptroller.

42. LTG Charles Lombardo, Deputy Chief of Staff, G-1, Headquarters, Department of the Army.

43. MG Douglas Lowrey, Commander, U.S. Army Contracting Command.

44. Dr. David Markowitz, Deputy Chief of Information Officer/Chief Data Officer and Analytics Officer, Office of the Chief Information Officer.

45. Mr. David May, Senior Cyber Intelligence Advisor, Cyber Center of Excellence, U.S. Army Transformation and Training Command.

46. Mr. Gregory McConnell, Deputy to the Commanding General (CASCOM), U.S. Army Transformation and Training Command.

47. Mr. Bruce B Miller, The Auditor General, U.S. Army Audit Agency.

48. Ms. Hong Miller, Chief Human Capital Officer, U.S. Army Transformation and Training Command.

49. Mr. Jeffrey Miller, Director, Exercise and Coalition Affairs, United States Southern Command.

50. Ms. Liz Miranda, Executive Deputy to the Commanding General, U.S. Army Materiel Command.

51. Mr. Lawrence Mixon, Special Assistant to the Program Executive Officer, Intelligence, Electronic Warfare and Sensors, Office of the Program Executive Officer, Intelligence, Electronic Warfare and Sensors.

52. Mr. Tommy Mize, Regional Director (Europe), IMCOM, U.S. Army Materiel Command.

53. Mr. Eric Moore, Deputy to the Commanding General, U.S. Army Combat Capabilities Development Command.

54. Mr. Larry Moreland, Director, Criminal Investigations, U.S. Army Criminal Investigation Division.

55. Dr. Robert Moser, Director, Information Technology Laboratory, U.S. Army Corps of Engineers.

56. Ms. Kimberly Newton, Deputy to the Commanding General, U.S. Army Futures and Concepts Center.

57. Ms. Miranda Oden, Deputy Director, Rapid Capabilities and Critical Tech Office, Office of the Assistant Secretary of the Army for Acquisition, Logistics and Technology.

58. Ms. Karen Pane, Director of Human Resources Agency, U.S. Army Civilian Human Resources Agency.

59. Ms. Suzanne Pierce, Principal Deputy Auditor General, U.S. Army Audit Agency.

60. Dr. Anne Petrock, Senior Research Scientist, Warheads Technology, U.S. Army Combat Capabilities Development Command.

61. Mr. Brandon Pugh, Principal Cyber Advisor to the Secretary of the Army, Office of the Secretary of the Army.

62. MG Mark C. Quander, Deputy Commanding General, Military Programs and International Operations, U.S. Army Corps of Engineers.

63. LTG John Rafferty, Commanding General, U.S. Army Space and Missile Defense Command.

64. Ms. Diane Randon, Assistant Deputy Chief of Staff, G-2, Office of the Deputy Chief of Staff, G-2.

65. Mr. Adam Rawlett, Senior Research Scientist (Materials Science), U.S. Army Combat Capabilities Development Command.

66. Mr. Robert Richtmyre, Director of Management/Vice Director of the Army Staff, Director of the Army Staff.

67. Ms. Samantha Rodrigues, Director, Army Intelligence Community Information Management, Office of the Deputy Chief of Staff, G-2.

68. GEN Joseph A. Ryan, Commanding General, U.S. Army Western Hemisphere Command.

69. Mr. Nicholas Saacks, Deputy to the Commanding General, CECOM LCMC, U.S. Army Materiel Command.

70. Dr. Robert Sadowski, Senior Research Scientist (Robotics), U.S. Army Combat Capabilities Development Command.

71. Mr. Matthew Sannito, Administrative Assistant to the Secretary of the Army, Office of the Administrative Assistant.

72. Mr. Craig Schmauder, Senior Deputy General Counsel for Installations, Environment, and Civil Works, Office of the General Counsel.

73. LTG Michelle Schmidt, Deputy Chief of Staff, G-2, Headquarters, Department of the Army.

74. Mr. Bryan Shone, Assistant Deputy Chief of Staff, G-8, Office of the Deputy Chief of Staff, G-8.

75. Ms. Thersa Smith, Deputy Assistant Secretary of the Army (Sustainment), Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

76. Ms. Sydney Smith, Director for Supply Policy, Deputy Chief of Staff, G-4.

77. Mr. Robert Steinrauf, Director, Plans and Resources Directorate, Office of the Deputy Chief of Staff, G-1.

78. Mr. John Stoneburg, Executive Director, Office of the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

79. Mr. Stephen Sullivan, Assistant Chief of the Army Reserves, Office of the Chief Army Reserve.

80. Mr. Douglas Tamilio, Director, CCDC Soldier Center, U.S. Army

Combat Capabilities Development Command.

81. Ms. Kirsten Taylor, Dep Asst Secretary for Plans, Programs and Resources, Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

82. LTG William Taylor, Military Representative to the North Atlantic Treaty Organization (NATO) Military Committee, U.S. Delegation to the NATO Military Committee.

83. Mr. Jeffrey Thomas, Director, Science and Technology Integration, U.S. Army Combat Capabilities Development Command.

84. Mr. Tommy Thompson, Deputy to the Commanding General, Combined Arms Command, U.S. Army Transformation and Training Command.

85. Mr. Brian Toland, Command Counsel, Headquarters, U.S. Army Materiel Command.

86. Mr. Jesse Tolleson, Acting Deputy Under Secretary of the Army, Office of the Secretary of the Army.

87. Mr. Jesse Tolleson, Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics, and Technology).

88. HON Adam Telle, Assist Secretary of the Army (Civil Works).

89. Dr. Jeff Waksman, Principal Deputy Assistant Secretary of the Army, Installations, Energy and Environment, Office of the Assistant Secretary of the Army, Installations, Energy and Environment.

90. Mr. Roy Wallace, Assistant Deputy Chief of Staff, G-1, Office of the Deputy Chief of Staff, G-1.

91. Mr. Joseph Welch, Portfolio Acquisition Executive (PAE), C2 Counter C2, Office of the Assistant Secretary of the Army for Acquisition, Logistics and Technology.

92. Ms. Eleanor Winchester, Deputy Force Development, Office of the Deputy Chief of Staff, G-8.

93. Mr. Wade Yamada, Deputy Director, Program Analysis and Evaluation Directorate, G-8. Deputy Chief of Staff, G-8.

94. HON Charles Young, General Counsel.

95. Mr. Daniel Zevitz, Principal Deputy General Counsel, Office of General Counsel.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2026-21777 Filed 10-23-26; 8:45 am]

BILLING CODE 3711-CC-P

DEPARTMENT OF EDUCATION**[Docket ID ED–2026–IES–2146]****Privacy Act of 1974; System of Records****AGENCY:** Institute of Education Sciences, U.S. Department of Education.**ACTION:** Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the U.S. Department of Education (Department) publishes this notice of a new system of records titled “National Center for Education Evaluation and Regional Assistance (NCEE) Evaluation Studies” (18–14–49) and rescindment of the following system of records notices, as the records previously covered by those notices are now covered by the NCEE Evaluation Studies system of records: DC Choice Program Evaluation (18–13–07), Evaluation of Teacher Residency Programs (18–13–24), National Longitudinal Transitions Study 2012 (18–13–27), Evaluation of the Pell Grant Experiments Under the Experimental Sites Initiative—2012 (18–13–31), Study of Enhanced College Advising in Upward Bound (18–13–36), National Evaluation of the Striving Readers Comprehensive Literacy and Comprehensive Literacy State Development Programs (18–35–45), Connecting Adults to Success: Evaluation of Career Navigator Training (18–13–46), and Impact Evaluation of Training in Multi-Tiered Systems of Support for Reading in Early Elementary School (18–13–48). The Department proposes this new system of records to cover records from the identified studies and future NCEE evaluation studies that fall within the categories of individuals, categories of records, purposes, routine uses, and other terms described in this notice, in order to promote efficiency across its research and evaluation functions.

DATES: Submit your comments on this notice of a new system of records on or before November 25, 2026. This new system of records will become applicable upon publication in the **Federal Register** on October 26, 2026, unless it needs to be changed as a result of public comment. The routine uses outlined in the section titled “ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES” will become effective on the expiration of the 30-day period of public comment on November 25, 2026, unless they need to

be changed as a result of public comment. The Department will publish any significant changes to the system of records or routine uses resulting from public comment.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at [regulations.gov](https://www.regulations.gov). However, if you require an accommodation or cannot otherwise submit your comments via [regulations.gov](https://www.regulations.gov), please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments submitted by fax or by email, or comments submitted after the comment period closes. To ensure that the Department does not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using [Regulations.gov](https://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ”.

Privacy Note: The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Matthew Soldner, Institute of Education Sciences, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–453–7441. Email: Contact.IES@ed.gov.

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

SUPPLEMENTARY INFORMATION: NCEE conducts large-scale evaluations of education programs in accordance with the Education Sciences Reform Act (20 U.S.C. 9501 *et seq.*) and other applicable

laws, supports applied research studies related to questions of education policy and practice, provides technical assistance, and supports the development and use of research and evaluation findings throughout the United States. This system of records is used to fulfill NCEE’s legislative mandate to conduct research and evaluation activities related to education policy, programs, and practices and to support the wide dissemination of the results of evaluation, research, and products developed to stakeholders such as policymakers, practitioners, and researchers. By law, NCEE research, evaluations, and data projects must be timely, objective, and non-ideological; free of political influence and bias; and relevant and useful to practitioners, researchers, policymakers, and the public.

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Matthew Soldner,
Acting Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Acting Director of the Institute of Education Sciences (IES), U.S. Department of Education (Department), publishes a new system of records notice to read as follows:

SYSTEM NAME AND NUMBER:

National Center for Education
Evaluation and Regional Assistance
Evaluation Studies (18–14–49).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION(S):

National Center for Education
Evaluation and Regional Assistance,
Institute of Education Sciences (IES),
U.S. Department of Education, 400
Maryland Ave. SW, Washington, DC
20202.

A current list of contractor sites where
system records are maintained is
available from the System Manager and
at <https://ies.ed.gov/about>.

SYSTEM MANAGER(S):

Commissioner, National Center for
Education Evaluation and Regional
Assistance, Institute of Education
Sciences, U.S. Department of Education,
400 Maryland Ave. SW, Washington, DC
20202.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is authorized
under sections 171, 173 and 174 of the
Education Sciences Reform Act (Pub. L.
107–279), codified at 20 U.S.C. 9561,
9563, and 9564. The collection of Social
Security numbers, where necessary for a
particular study, is authorized under
Executive Order 9397 (November 22,
1943) as amended by Executive Order
13478 (November 18, 2008).

PURPOSE(S) OF THE SYSTEM:

The records in this system are used
for the purpose of conducting research,
evaluation, and data analytic projects
commissioned by the National Center
for Education Evaluation and Regional
Assistance. Each project may involve:
(a) the analysis of data from various
sources; (b) the collection of data
through assessments, surveys,
interviews, focus groups, and other
methods; (c) the evaluation of programs
and services; (d) the provision of
services to populations and evaluating
their outcomes; (e) the provision of
technical assistance to outside entities;
and (f) other research, evaluation, and
data related activities within NCEE's
statutory authority.

This work may be supported or
accomplished by Federal staff or by
contractors, vendors, grantees and other
partners working on behalf of NCEE.

A current list of studies covered
under this system of records notice is
available from the System Manager and
at <https://ies.ed.gov/about>.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include records about
the following categories of individuals:
(a) individuals who are considered for
inclusion or are included in an NCEE
study (e.g., State, district, and school
staff and other individuals who are
involved with the administration of
programs and strategies under study
such as staff at institutes of higher
education and adult education centers;
individuals and families who
participate in or may benefit from
programs and strategies under study);
(b) individuals who provide information
about those considered or selected for
an NCEE study (e.g., state officials,
school or grantee staff); and (c)
individuals whose information is
contained within an extant dataset
needed to conduct an NCEE study (e.g.,
educators, students, grantee staff). This
includes administrative datasets created
by offices, agencies, or organizations
outside of NCEE when those datasets are
necessary for an NCEE study.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained about a
specific individual will depend on
which NCEE study the individual was
considered for or included in and the
individual's role in the study. As
relevant and necessary for a particular
NCEE study, the system may include the
individual's personally identifiable
information (i.e., name, address(es),
telephone number(s), email address(es),
Social Security number); date of birth;
sociodemographic characteristics (e.g.,
race, ethnicity, gender); language
preferences and proficiencies; responses
to assessments and collections (e.g.,
surveys and interviews); voice and
video recordings and transcripts;
correspondences; identifiers specific to
the applicable study or series of studies
in which the individual is involved; and
administrative records (e.g.,
participation in courses or programs,
attendance). As relevant and necessary
for a particular NCEE study, it may also
collect records about an individual's
current and prior education;
employment; current and previous
addresses; mental and physical health
and well-being; involvement with the
criminal justice system; behaviors that
increase the risk of harm to educational
and other outcomes (e.g., illicit drug
use); household structure and dynamics
(e.g., marriage, relationships);
disabilities; social service and benefit
use; other characteristics; experiences
relevant to Federal education programs
or strategies related to such programs;
perceptions relevant to Federal
education programs and strategies.

RECORD SOURCE CATEGORIES:

The sources of records in the system
may include, as relevant to a particular
study: the record subject; the
Department; other governmental
agencies (e.g., Federal, state, tribal, and
local) and their agents; NCEE
contractors and subcontractors; research
institutions, foundations, and similar
organizations; publicly available
documents and data sets; commercial
sources; individuals who know the
record subject (e.g., relatives, district
staff, school and postsecondary
institution staff, and service providers)
and other third parties such as vendors
and the National Student Clearinghouse.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose
information contained in a record in
this system of records under the routine
uses listed in this system of records
notice without the consent of the
individual if the disclosure is
compatible with the purposes for which
the record was collected. The
Department may make these disclosures
on a case-by-case basis or, if the
Department has complied with the
computer matching requirements of the
Privacy Act of 1974, pursuant to a
computer matching agreement. Any
disclosure of personally identifiable
information from a record in this system
must also comply with the requirements
of section 183 of ESRA (20 U.S.C. 9573)
providing for confidentiality standards
that apply to all collections, reporting,
and publication of data by IES. Any
disclosure of personally identifiable
information from student education
records that were obtained from schools,
school districts, postsecondary
institutions, and other sources must also
comply with the requirements of the
Individuals with Disabilities Education
Act (IDEA) (20 U.S.C. 1417(c); 34 CFR
300.610–300.611, 300.613–300.623, and
300.625–300.627), the Family
Educational Rights and Privacy Act
(FERPA) (20 U.S.C. 1232g; 34 CFR part
99), and, where applicable, the
Protection of Pupil Rights Amendment
(PPRA) (20 U.S.C. 1232h; 34 CFR part
98), which protect the privacy of
student education records.

(1) *Contract Disclosure.* If the
Department contracts with an entity for
the purposes of performing any function
that requires disclosure of records in
this system to employees of the
contractor or its subcontractors or
consultants, as applicable, the
Department may disclose the records to
those employees. As part of such a
contract, the Department will require

the contractor and any subcontractors or consultants, if applicable, to agree to maintain safeguards to protect the security and confidentiality of the records in the system and to comply with applicable Privacy Act requirements under 5 U.S.C. 552a(m).

(2) *Research Disclosure.* The Department may disclose records to a researcher if the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to the functions or purposes of this system of records. The researcher must agree to safeguards and use restrictions, consistent with section 183(c) of the ESRA (20 U.S.C. 9573(c)), to protect the security and confidentiality of the records disclosed from this system. When personally identifiable information from a student's education record will be disclosed to the researcher, under FERPA (20 U.S.C. 1232g(b) and 34 CFR 99.31), the researcher also must agree to comply with applicable FERPA requirements.

(3) *Obtaining Participants' Academic, Employment, Financial, and Benefits Records.* The Department may disclose information from this system of records to Federal, State and local agencies as well as other organizations (e.g., the National Student Clearinghouse, high school equivalency test vendors) to obtain participants' academic, employment, financial, or benefits records.

(4) *Participant Identification Disclosure.* The Department may disclose information from this system to staff at sites participating in a study for purposes consistent with the conduct of the study. For instance, the Department may disclose information that is necessary for sites to provide education records linked to study participants or to provide services that are part of the study.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records are stored in databases on IES' or its contractors' or subcontractors' secure servers.

Records stored in paper copy are stored in secure areas within locked drawers or cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are indexed and retrieved by a unique number, name, or other identifying particular assigned to or associated with each individual that can be cross-referenced when needed with the separately stored direct personal identifiers.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Department has submitted a retention and disposition schedule that is intended to cover the records contained in this system to the National Archives and Records Administration (NARA) for review. Pending NARA approval, the records will be treated as unscheduled records and will not be destroyed except as authorized by NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Department and its contractors and subcontractors are required to maintain appropriate administrative, technical, and physical safeguards to protect the records from unauthorized access. Administrative controls include training individuals who have access to the records on how to handle them appropriately, incident response plans, and limiting access to individuals who need to know the information. Technical controls include the use of antivirus software, vulnerability patching, and multi-factor authentication when required. Physical controls include storing hard copy records and computer systems used to access electronic records in physically locked locations when not in use.

Department, contractor, and subcontractor employees who collect or maintain data in this system shall comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record that exists regarding you in this system, contact the system manager at the address listed above. Your request must provide necessary particulars such as the study in question, your full name, current address, the date and place of your birth, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. Your request must meet the requirements in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you, you must contact the system manager at the address listed above. Requests must contain your full name, address, and telephone number. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists regarding you in this

system of records, you must contact the system manager at the address listed above. Your request must provide necessary particulars such as the study in question, your full name, current address, the date and place of your birth, and any other identifying information requested by the Department, while processing the request, to distinguish between individuals with the same name. Your request must meet the requirements in 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

For the reasons discussed in the preamble, the Acting Director of the Institute of Education Sciences at the Department publishes a rescindment of the following system of records notices: DC Choice Program Evaluation (18–13–07), Evaluation of Teacher Residency Programs (18–13–24), National Longitudinal Transitions Study 2012 (18–13–27), Evaluation of the Pell Grant Experiments Under the Experimental Sites Initiative—2012 (18–13–31), Study of Enhanced College Advising in Upward Bound (18–13–36), National Evaluation of the Striving Readers Comprehensive Literacy and Comprehensive Literacy State Development Programs (18–35–45), Connecting Adults to Success: Evaluation of Career Navigator Training (18–13–46), and Impact Evaluation of Training in Multi-Tiered Systems of Support for Reading in Early Elementary School (18–13–48). The records previously covered by these notices will be maintained as part of the National Center for Education Evaluation and Regional Assistance Evaluation Studies system of records (18–14–49) and will be retained and disposed of in accordance with the retention schedule applicable to that system.

SYSTEM NAME AND NUMBER:

“DC Choice Program Evaluation” (18–13–07),
 “Evaluation of Teacher Residency Programs” (18–13–24),
 “National Longitudinal Transitions Study 2012” (18–13–27),
 “Evaluation of the Pell Grant Experiments Under the Experimental Sites Initiative—2012” (18–13–31),
 “Study of Enhanced College Advising in Upward Bound” (18–13–36),
 “National Evaluation of the Striving Readers Comprehensive Literacy and Comprehensive Literacy State Development Programs” (18–35–45),

“Connecting Adults to Success: Evaluation of Career Navigator Training” (18–13–46),

“Impact Evaluation of Training in Multi-Tiered Systems of Support for Reading in Early Elementary School” (18–13–48)

HISTORY:

The “DC Choice Program Evaluation” (18–13–07) system of records notice was published in full in the **Federal Register** at 69 FR 22014 (April 23, 2004).

The “Evaluation of Teacher Residency Programs” (18–13–24) system of records notice was published in full in the **Federal Register** at 76 FR 18741 (April 5, 2011).

The “National Longitudinal Transitions Study 2012” (18–13–27) system of records notice was published in full in the **Federal Register** at 77 FR 25152 (April 27, 2012).

The “Evaluation of the Pell Grant Experiments Under the Experimental Sites Initiative—2012” (18–13–31) system of records notice was published in full in the **Federal Register** at 78 FR 1206 (January 8, 2013).

The “Study of Enhanced College Advising in Upward Bound” (18–13–36) system of records notice was published in full in the **Federal Register** at 79 FR 54971 (September 15, 2014).

The “National Evaluation of the Striving Readers Comprehensive Literacy and Comprehensive Literacy State Development Programs” (18–35–45) system of records notice was published in full in the **Federal Register** at 85 FR 45206 (July 27, 2020).

The “Connecting Adults to Success: Evaluation of Career Navigator Training” (18–13–46) system of records notice was published in full in the **Federal Register** at 88 FR 72446 (October 20, 2023).

The “Impact Evaluation of Training in Multi-Tiered Systems of Support for Reading in Early Elementary School” (18–13–48) system of records notice was published in full in the **Federal Register** at 89 FR 82594 (October 11, 2024).

[FR Doc. 2026–21804 Filed 10–23–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5728–026]

Sandy Hollow Power Company, Inc.; Notice of Application for Surrender of License Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

- a. *Application Type*: Surrender of license.
- b. *Project No*: 5728–026.
- c. *Date Filed*: September 8, 2026.
- d. *Licensee*: Sandy Hollow Power Company, Inc.
- e. *Name of Project*: Sandy Hollow Hydroelectric Project.
- f. *Location*: The Sandy Hollow Hydroelectric Project is located on the Indian River, Jefferson County, New York.
- g. *Filed Pursuant to*: 18 CFR Part 6.
- h. *Applicant Contact*: Sandy Hollow Power Company, Inc., 32151 Sandy Hollow Power Road, Philadelphia, NY 13673.
- i. *FERC Contact*: David Rudisail, (202) 502–6376, david.rudisail@ferc.gov.
- j. *Cooperating agencies*: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission’s policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).
- k. *Deadline for filing comments, motions to intervene and protests*: November 20, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. 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 number P–5728–026. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission’s Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request*: The Licensee’s proposed surrender action for the inoperable project consists of deenergizing the three turbine generator units by removing their generator leads. The existing dam, spillway, and hydraulic conveyance structures would be left in place. The penstock intakes are sealed by gates on the upstream face of the dam and would remain closed. All river flows would continue to pass over the spillway consistent with current conditions.

m. *Locations of the Application*: This filing may be viewed on the Commission’s website at <http://www.ferc.gov> using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

o. *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.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

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.

(Authority: 18 CFR 2.1)

Dated: October 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-21721 Filed 10-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER22-965-004.

Applicants: Covanta Delaware Valley, L.P.

Description: Refund Report: Refund Report Under ER22-965-000 to be effective N/A.

Filed Date: 10/19/26.

Accession Number: 20261019-5155.

Comment Date: 5 p.m. ET 11/9/26.

Docket Numbers: ER22-966-004.

Applicants: Covanta Essex Company.

Description: Refund Report: Refund Report Under ER22-966-000 to be effective N/A.

Filed Date: 10/19/26.

Accession Number: 20261019-5157.

Comment Date: 5 p.m. ET 11/9/26.

Docket Numbers: ER22-968-004.

Applicants: Covanta Plymouth Renewable Energy, LLC.

Description: Refund Report: Refund Report Under ER22-968-000 to be effective N/A.

Filed Date: 10/19/26.

Accession Number: 20261019-5160.

Comment Date: 5 p.m. ET 11/9/26.

Docket Numbers: ER27-216-000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC-NCCEM Amended NITSA SA No. 210 to be effective 12/31/9998.

Filed Date: 10/19/26.

Accession Number: 20261019-5156.

Comment Date: 5 p.m. ET 11/9/26.

Docket Numbers: ER27-217-000.

Applicants: Acceleration Solar, LLC. *Description:* Request for Limited and Prospective Waiver, et al. of Acceleration Solar, LLC.

Filed Date: 10/20/26.

Accession Number: 20261020-5073.

Comment Date: 5 p.m. ET 11/10/26.

Docket Numbers: ER27-218-000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of GIA, SA No. 7471; Project ID Nos. AG1-259/AG1-260 to be effective 8/25/2026.

Filed Date: 10/20/26.

Accession Number: 20261020-5120.

Comment Date: 5 p.m. ET 11/10/26.

Docket Numbers: ER27-219-000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Ameren Illinois Company submits tariff filing per 35.13(a)(2)(iii): 2026-10-20 SA 3028 Ameren IL-Prairie Power Proj #49 Wee-Ma-Tuk & Canton to be effective 12/20/2026.

Filed Date: 10/20/26.

Accession Number: 20261020-5132.

Comment Date: 5 p.m. ET 11/10/26.

Docket Numbers: ER27-220-000.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment: Notice of Cancellation of Contracts in Anticipation of Int. Reorg Consummation to be effective 12/31/9998.

Filed Date: 10/20/26.

Accession Number: 20261020-5141.

Comment Date: 5 p.m. ET 11/10/26.

Docket Numbers: ER27-221-000.

Applicants: Appalachian Power Company.

Description: § 205(d) Rate Filing: APCo (AEP) submits an Amended IA—SA No. 3773 to be effective 1/1/2027.

Filed Date: 10/20/26.

Accession Number: 20261020-5149.

Comment Date: 5 p.m. ET 11/10/26.

Docket Numbers: ER27-222-000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: Agreements between PSE and BP: SA 5136-2, SA 5137-2, and SA 5138-2. to be effective 11/1/2026.

Filed Date: 10/20/26.

Accession Number: 20261020-5164.

Comment Date: 5 p.m. ET 11/10/26.

Take notice that the Commission received the following Electric Securities filings:

Docket Numbers: ES26-79-000.

Applicants: Montana-Dakota Utilities Co.

Description: Report of Securities Issued of Montana-Dakota Utilities Co.

Filed Date: 7/17/26.

Accession Number: 20260717-5251.

Comment Date: 5 p.m. ET 10/27/26.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-21720 Filed 10-23-26; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP27–3–000.
Applicants: Hill-Lake Gas Storage, LLC.
Description: § 284.123(g) Rate Filing: Updated Statement of Operating Conditions Pursuant to 284.123(g) to be effective 10/1/2026.
Filed Date: 10/20/26.
Accession Number: 20261020–5166.
Comment Date: 5 p.m. ET 11/10/26.
§ 284.123(g) Protest: 5 p.m. ET 12/21/26.

Docket Numbers: RP27–49–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing: TETLP October 2026 Penalty Disbursement Report to be effective N/A.

Filed Date: 10/20/26.
Accession Number: 20261020–5154.
Comment Date: 5 p.m. ET 11/2/26.
Docket Numbers: RP27–50–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Rate Schedule GSS LSS Tracker Filing effective 11/1/2026 to be effective 11/1/2026.
Filed Date: 10/20/26.
Accession Number: 20261020–5158.
Comment Date: 5 p.m. ET 11/2/26.
Docket Numbers: RP27–52–000.
Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Amended NRA—Oklahoma Natural Gas Company to be effective 11/1/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5067.
Comment Date: 5 p.m. ET 11/2/26.
Docket Numbers: RP27–53–000.
Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Cancel NRA Records—Black Hills and Oklahoma Nat'l Gas to be effective 11/1/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5070.
Comment Date: 5 p.m. ET 11/2/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18

CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25–855–004.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing: Compliance to Stipulation and Agreement of Settlement—RP25–855 to be effective 11/1/2025.
Filed Date: 10/20/26.

Accession Number: 20261020–5119.
Comment Date: 5 p.m. ET 11/2/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern Time on the specified comment date. The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Dated: October 21, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–21773 Filed 10–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP27–48–000.
Applicants: Transwestern Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates Filing—ETC Mktg & Southwest Gas Corp to be effective 11/1/2026.

Filed Date: 10/20/26.

Accession Number: 20261020–5083.

Comment Date: 5 p.m. ET 11/2/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP26–1168–001.

Applicants: Cameron Interstate Pipeline, LLC.

Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.

Filed Date: 10/19/26.

Accession Number: 20261019–5158.

Comment Date: 5 p.m. ET 11/2/26.

Docket Numbers: RP26–1172–001.

Applicants: Port Arthur Pipeline, LLC.

Description: Compliance filing: NAESB 4.0 Compliance Filing to be effective 1/1/2027.

Filed Date: 10/19/26.

Accession Number: 20261019–5166.

Comment Date: 5 p.m. ET 11/2/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern Time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Dated: October 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–21717 Filed 10–23–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record
Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the

official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission’s website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File Date	Presenter or Requester
Prohibited		
NONE.		
Exempt		
1. CP17–178–000	10–13–2026	FERC Staff ¹ .

Dated: October 20, 2026.
Carlos D. Clay,
Deputy Secretary.
[FR Doc. 2026–21716 Filed 10–23–26; 8:45 am]
BILLING CODE 6717–01–P

close of business, thirty days from the date of this notice. But, if the Commission is closed on this day, then the permit remains in effect until the close of business on the next day on which the Commission is open.² New applications for this site may not be submitted until after the permit surrender is effective.

(Authority: 18 CFR 2.1)

Dated: October 21, 2026.
Carlos D. Clay,
Deputy Secretary.
[FR Doc. 2026–21768 Filed 10–23–26; 8:45 am]
BILLING CODE 6717–01–P

Description: Southern Select Energy Storage LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 10/20/26.
Accession Number: 20261020–5196.
Comment Date: 5 p.m. ET 11/10/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER21–2713–002; ER21–2714–002; ER25–2517–001.
Applicants: Angiola East, LLC, SE Athos II, LLC, SE Athos I, LLC.
Description: Notice of Change in Status of SE Athos I, LLC, et al.
Filed Date: 10/19/26.
Accession Number: 20261019–5216.
Comment Date: 5 p.m. ET 11/9/26.
Docket Numbers: ER24–1968–002.
Applicants: New York Independent System Operator, Inc., New York State Electric & Gas Corporation.
Description: New York State Electric & Gas Corporation submits Compliance Filing in accordance with directives in the Commission’s 07/05/2024 Order.
Filed Date: 10/19/26.

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Project No. 15345–001]

Nightfall Renewable Inc.; Notice of
Surrender of Preliminary Permit

Take notice that Nightfall Renewables Inc., permittee for the proposed Maxwell Pumped Storage Project No. 15345, has requested that its preliminary permit be terminated. The permit was issued on October 11, 2024, and would have expired on September 20, 2028.¹ The project would have been located on lands administered by the U.S. Department of the Interior, Bureau of Land Management near the unincorporated town of Rosamond in Kern County, California.

The preliminary permit for Project No. 15345 will remain in effect until the

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG27–15–000.
Applicants: Southern Select Energy Storage LLC.

¹ Letter communication dated 9/21/26 from Lieutenant Governor of Alaska Nancy Dahlstrom.

² *Nightfall Renewables Inc.*, 189 FERC ¶ 62,020 (2024).

² 18 CFR 385.2007(a)(2) (2026).

Accession Number: 20261019–5209.
Comment Date: 5 p.m. ET 11/9/26.
Docket Numbers: ER26–3532–001.
Applicants: Zeta Solar, LLC.
Description: Tariff Amendment: Resp. to Deficiency Letter and Request for Expedited Action to be effective 10/17/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5064.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER26–3696–003.
Applicants: Anchor Point Plains, LLC.
Description: Tariff Amendment: Amendment to 1 updated to be effective 11/2/2026.

Filed Date: 10/20/26.
Accession Number: 20261020–5178.
Comment Date: 5 p.m. ET 10/30/26.
Docket Numbers: ER27–223–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Demand Response Program Updates to be effective 12/20/2026.

Filed Date: 10/20/26.
Accession Number: 20261020–5175.
Comment Date: 5 p.m. ET 11/10/26.
Docket Numbers: ER27–224–000.
Applicants: Ohio Valley Electric Corporation.

Description: § 205(d) Rate Filing: OVEC submits Engineering & Design Agmt—SA No. 8085 to be effective 1/1/2027.

Filed Date: 10/21/26.
Accession Number: 20261021–5013.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–225–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to NUCRA, SA No. 7829; Network Upgrade(s) n8492.2 to be effective 12/21/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5038.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–226–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amended GIA, Service Agreement No. 7533; AF2–018 to be effective 12/21/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5072.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–227–000.
Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 453, E&P Agreement w/Papermill Wind, LLC to be effective 9/26/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5073.

Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–228–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA SA No. 2863; Queue No. U3–029/U3–030 to be effective 12/21/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5077.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–229–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to GIA SA No. 7619; Project Identifier AG1–414 to be effective 12/21/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5087.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–230–000.
Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2026–10–21 Second Petition for Limited Waiver- EDAM Settlement Dispute Deadlines to be effective N/A.

Filed Date: 10/21/26.
Accession Number: 20261021–5090.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–231–000.
Applicants: Midcontinent Independent System Operator, Inc., Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: Northern States Power Company, a Minnesota corporation submits tariff filing per 35.13(a)(2)(iii): 2026–10–21 SA 4895 NSP–GRE T–TIA (Big Oaks) to be effective 10/22/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5099.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–232–000.
Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–10–21 SA 4891 Entergy Texas–Entergy Texas GIA (S1156 S1157) to be effective 10/16/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5112.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–233–000.
Applicants: Puget Sound Energy, Inc.

Description: Tariff Amendment: Cancellation of tariff record ID for Allocation Agreement with BPA RS–9011 to be effective 5/1/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5123.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–234–000.
Applicants: NY Empire Transmission Company LLC.

Description: § 205(d) Rate Filing: Baseline Formula Rate Filing to be effective 12/21/2026.

Filed Date: 10/21/26.
Accession Number: 20261021–5136.
Comment Date: 5 p.m. ET 11/12/26.

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 21, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026–21770 Filed 10–23–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–13592–01–OCSP]

Eastern Research Group; Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that information submitted to EPA's Office of Pollution Prevention and Toxics (OPPT) pursuant to the Toxic Substances Control Act (TSCA), including information that may be claimed as Confidential Business Information (CBI) by the submitter, will be transferred to or accessed by the Eastern Research Group (ERG), in accordance with the CBI regulations. The ERG has been awarded a contract to perform work in connection with TSCA

and access to this information will enable ERG to fulfill the obligations of the contract.

DATES: Eastern Research Group will be given access to this information on or before November 2, 2026.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Joseph Varco, Office of Enforcement and Compliance Assurance (OECA), Office of Civil Enforcement (OCE) Waste and Chemical Enforcement Division (WCED), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-1791; email address: varco.joseph@epa.gov.

For general information: 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. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket ID number EPA-HQ-OPPT-2003-0004. Publicly available docket materials are available electronically through <https://www.regulations.gov>. Additional instructions on commenting on and visiting the docket, along with more information about dockets generally, are available at <https://www.epa.gov/dockets>.

II. What action is the Agency taking?

Under the ERG solicitation number 68HERL26A0022, ERG will assist the OPPT and OECA, OCE in enforcement program implementation; enforcement case support; conducting inspections; providing laboratory support; and performing analysis. In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68HERL26A0022, ERG will require access to CBI submitted to EPA under all section(s) of TSCA to perform successfully the duties specified under the contract. ERG personnel will be given access to information submitted to

EPA under all section(s) of TSCA. Some of the information may be claimed or determined to be CBI. EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ERG with access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place in accordance with EPA's TSCA CBI Protection Manual. Access to TSCA data, including CBI, will continue until June 27, 2031. If the contract is extended, this access will also continue for the duration of the extended contract without further notice. ERG personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

In accordance with the requirements of 40 CFR 2.306(f), EPA has determined that the disclosure of CBI submitted to EPA under all sections of TSCA is necessary for ERG to satisfactorily carry out the work required by the contract. Accordingly, ERG personnel will be given access to information, including information submitted to EPA under all sections of TSCA, some of which may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters that EPA will provide ERG access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract takes place in accordance with EPA's TSCA CBI Protection Manual.

Access to TSCA data, including CBI, will continue until June 27, 2031. If the contract is extended, this access will also continue for the duration of the extended contract without further notice. In accordance with the requirements of 40 CFR 2.306(f), the contract prohibits disclosure of information to a third party without prior written approval from the Agency.

ERG personnel will sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI. Records of information provided to ERG will be maintained by EPA project officers for this contract. All information supplied to ERG by EPA for use in connection with this contract will be returned to EPA when ERG has completed its work.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 19, 2026.

Douglas M. Troutman,
Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026-21757 Filed 10-23-26; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

Commission Meeting Notice

TIME AND DATE: Friday, October 30, 2026, 1:00 p.m. Eastern Time.

PLACE: The meeting will be held at the Jacqueline A. Berrien Training Center, 131 M Street NE, Washington, DC 20507. The meeting will also be held as a listen-only audio. The public may attend in person or connect to the audio-only by following the instructions that will be posted on www.eeoc.gov at least 24 hours before the meeting. ASL services will be available for those attending the meeting in person, and a closed captioning link will be posted on our website prior to the meeting.

If you wish to attend the meeting in person, you must email commissionmeetingcomments@eeoc.gov to register by providing your name as it appears on your driver's license or other government-issued identification at least 24 hours prior to the meeting. You will be asked to show your ID upon arrival.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

The following item will be considered at the meeting:

- Rescission of Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act

Note: In accordance with the Sunshine Act, the public will be able to observe the Commission's deliberations and voting. (In addition to publishing notices on Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, www.eeoc.gov and provides a recorded announcement one week in advance of future Commission meetings.) Public observation does not include participation. Observers seeking to take still photographs, video, or audio recordings of the meeting must seek permission by contacting the Executive Secretariat at commissionmeetingcomments@eeoc.gov at least 24 hours before the meeting to discuss the manner of recording and ensure it does not interfere with the meeting.

Please telephone (202) 921-2705, or email commissionmeetingcomments@eeoc.gov at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Raymond Windmiller, Executive Officer, (202) 921-2705.

Dated: October 22, 2026.

Raymond D. Windmiller,

Executive Officer, Executive Secretariat.

[FR Doc. 2026-21825 Filed 10-22-26; 4:15 pm]

BILLING CODE 6570-01-P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 25-59; DA 26-1099; FR ID 373608]

Wireless Telecommunications Bureau Announces Upper C-Band Clearinghouse Selection Criteria and Submission Process

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) announces that it has received detailed selection criteria and related submission instructions for proposals for the position of Upper C-band Clearinghouse. In *Upper C-band (3.98–4.2 GHz); Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket Nos. 25-59 and 18-122, Report and Order, Order of Proposed Modification, and Order on Reconsideration, FCC 26-46 (July 24, 2026) (*Upper C-band R&O*), the Commission provided for the creation of an independent, third-party Upper C-band Clearinghouse to oversee the cost-related aspects of the Upper C-band transition, including the receipt, review, and disposition of all actual cost and lump sum reimbursement claims. The Upper C-band Clearinghouse will also administer the rebates for adjacent band radio altimeter retrofits.

DATES: Potential clearinghouse candidates must email the selection committee with any questions about the selection criteria or submission requirements no later than October 23, 2026. Potential clearinghouse candidates must submit proposals according to the filing instructions contained in the selection committee's notification no later than November 9, 2026.

ADDRESSES: Potential candidate questions and submissions should be emailed to RPCSelectionCommittee@gmail.com.

For detailed instructions for submitting comments, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Andrew McArdell, Wireless Telecommunications Bureau, at Andrew.McArdell@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (*Public Notice*), in GN Docket No. 25-59, DA 26-1099, released on October 9, 2026. The *Public Notice* includes the following attachment: *Updated Request for Proposals: Relocation Payment Clearinghouse; Upper C-band (3.98–4.2 GHz), FCC GN Docket No. 25-59*. The complete text of the *Public Notice* is available on the Commission's website at <https://docs.fcc.gov/public/attachments/DA-26-1099A1.pdf>, and the attachment is available at <https://docs.fcc.gov/public/attachments/DA-26-1099A2.pdf>, or by using the search function for GN Docket No. 25-59 on the Commission's ECFS web page at <https://www.fcc.gov/ecfs>.

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize

themselves with the Commission's *ex parte* rules.

Synopsis

With this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces that it has received detailed selection criteria and related submission instructions for proposals for the position of Upper C-band Clearinghouse.

On July 24, 2026, the Commission released the *Upper C-band R&O*, 91 FR 48700, which adopted rules to make 160 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States by transitioning incumbent Fixed Satellite Service (FSS) operations out of 4.0–4.16 GHz. The *Upper C-band R&O* provided for the creation of an independent, third-party Upper C-band Clearinghouse to oversee the cost-related aspects of the transition, including the receipt, review, and disposition of all actual cost and lump sum reimbursement claims. The Upper C-band Clearinghouse will also administer the rebates for adjacent band radio altimeter retrofits.

The *Upper C-band R&O* required a selection committee of stakeholders to establish detailed selection criteria based upon the Upper C-band Clearinghouse's duties set forth in section 27.1414(c) of the Commission's rules and to notify the Bureau of such criteria within 30 days of its initial meeting. The Commission directed the Bureau to issue a public notice that: (1) notifies the public of the detailed selection criteria; (2) outlines the submission requirements; and (3) provides the closing dates for candidate submissions. The selection committee timely notified the Bureau of its updated selection criteria and proposal submission instructions on October 7, 2026.

The selection committee's notification, attached to the October 9, 2026, Public Notice, specifies its detailed selection criteria and instructions for filing proposals for the clearinghouse position. The selection committee requests that potential clearinghouse candidates with any questions about the selection criteria or submission requirements may email the selection committee no later than October 23, 2026, at RPCSelectionCommittee@gmail.com. Potential clearinghouse candidates must submit proposals according to the filing instructions contained in the selection committee's notification no later than November 9, 2026.

The selection committee and potential clearinghouse candidates are reminded that the selection process must comply

with all requirements of the *Upper C-band R&O* and the Commission's rules. The selection committee shall inform the Commission of its choice no later than December 15, 2026, after which the Bureau will release a public notice seeking comment on whether that entity meets the selection criteria. The Bureau will then issue a final order announcing whether the selection criteria has been satisfied. After release of a decision finding that the clearinghouse selectee meets the relevant criteria, the selection committee will be dissolved without further action by the Commission.

Federal Communications Commission.

Amy Brett,

Chief of Staff, Wireless Telecommunications Bureau.

[FR Doc. 2026-21732 Filed 10-23-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0761; FR ID 374220]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 28, 2026. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0761.

Title: Section 79.1, Closed Captioning of Video Programming, CG Docket No. 05-231.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; and Not-for-profit entities.

Number of Respondents and Responses: 36,543 respondents; 459,091 responses.

Estimated Time per Response: 0.5 (30 minutes) to 30 hours.

Frequency of Response: Annual, monthly, ongoing, and one-time reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this obligation is found at section 713 of the Communications Act of 1934, as amended, 47 U.S.C. 613, and implemented at 47 CFR 79.1.

Total Annual Burden: 657,271 hours.

Annual Cost Burden: \$35,137,876.

Needs and Uses: The Commission seeks to revise this existing information collection requirements in its closed captioning rules (47 CFR 79.1), which require that, with some exceptions, all new video programming, and 75 percent of "pre-rule" programming, be closed captioned. The existing collections include petitions by video programming providers, producers, and owners for exemptions from the closed captioning rules, responses by commenters, and replies; complaints by viewers alleging violations of the closed captioning rules, responses by video programming distributors (VPDs) and video programmers, recordkeeping in support of complaint responses, and compliance ladder obligations in the event of a pattern or trend of violations;

recordkeeping of monitoring and maintenance activities; caption quality best practices procedures; making video programming distributor contact information available to viewers in phone directories, on the Commission's website and the websites of video programming distributors (if they have them), and in billing statements (to the extent video programming distributors issue them); and video programmers filing of contact information and compliance certifications with the Commission.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026-21811 Filed 10-23-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket Nos. 25-59 and 26-289; DA 26-1087; FR ID 373607]

Wireless Telecommunications Bureau Establishes a New Docket and the Process for Comment on Eligible Space Station Operator Transition Plans

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) establishes GN Docket No. 26-289, which is captioned "Eligible Space Station Operator Transition Plans for the Upper C-Band." This document also details the process for notice and comment on the eligible space station operators' initial Transition Plans. Stakeholder comments are due on November 30, 2026. All initial Transition Plans and responsive comments should be filed only in GN Docket No. 26-289.

DATES: Comments are due on or before November 30, 2026.

ADDRESSES: You may submit comments, identified by GN Docket No. 26-289, by any of the following methods:

- *Federal Communications Commission's Website:* <https://www.fcc.gov/ecfs/filings/standard>. Follow the instructions for submitting comments.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202-418-0530.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Andrew McArdell, Wireless Telecommunications Bureau, at Andrew.McArdell@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document (*Public Notice*), in GN Docket Nos. 25–59 and 26–289, DA 26–1087, released on October 8, 2026. The complete text of the *Public Notice* is available on the Commission's website at <https://docs.fcc.gov/public/attachments/DA-26-1087A1.pdf> or by using the search function for GN Docket No. 25–59 or GN Docket No. 26–289 on the Commission's ECFS web page at <https://www.fcc.gov/ecfs/>. Pursuant to 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before the date indicated on the first page of the *Public Notice*.

Ex Parte Rules. This proceeding shall be treated as a “permit but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda

summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

With this Public Notice, the Wireless Telecommunications Bureau (Bureau) establishes GN Docket No. 26–289, which is captioned “Eligible Space Station Operator Transition Plans for the Upper C-Band.” This Public Notice also details the process for notice and comment on the eligible space station operators' initial Transition Plans. On July 24, 2026, the Commission released the *Upper C-band R&O*, 91 FR 48700, which adopted rules to make 160 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States by transitioning incumbent Fixed Satellite Service (FSS) operations out of 4.0–4.16 GHz.

The *Upper C-band R&O* required that each eligible space station operator publicly file no later than November 5, 2026, an initial Transition Plan detailing all relocation steps and estimated costs necessary to clear 4.0–4.16 GHz. The *Upper C-band R&O* directed the Bureau to establish a dedicated docket for these purposes and to issue a public notice seeking stakeholder input on the initial Transition Plans. Comments on the initial Transition Plans are due on November 30, 2026. All initial Transition Plans and responsive comments should be filed only in GN Docket No. 26–289.

Federal Communications Commission.

Amy Brett,

Chief of Staff, Wireless Telecommunications Bureau.

[FR Doc. 2026–21731 Filed 10–23–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX; FR ID 373786]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as

required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 25, 2026.

ADDRESSES: Comments should be sent to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information

subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–XXXX.

Title: Section 26.202; Part 26 Space Launch Coordination.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 27 respondents and 203 responses.

Estimated Hours per Response: 4 to 16 hours.

Frequency of Response: On occasion and as needed reporting requirements; Third party disclosure requirement.

Total Annual Burden: 848 hours.

Total Annual Cost: \$300,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C 151, 152, 154(i), 155(c), 301, 303(c), 303(f), and 303(r) of the Communications Act of 1934 as amended, and section 2 of the Launch Communications Act, Public Law 118–85, 138 Stat. 1546 § 2.

Needs and Uses: On September 22, 2023, the Commission released a Second Report and Order and Further Notice of Proposed Rulemaking, FCC 23–76, in ET Docket No. 13–115, allocating two of the three bands addressed in the Launch Communications Act, the 2025–2110 MHz and 2200–2290 MHz bands, for

space launch operations, and creating a new rule part to govern these operations, part 26, Space Launch Services, including licensing and service rules. On December 31, 2024, the Commission released a Third Report and Order, FCC 24–132, in ET Docket No. 13–115, modifying its rules with respect to a third band, the 2360–2395 MHz band (2.3 GHz band). Specifically, the Third Report and Order allocated the band for space launch operations and brought these operations in the 2.3 GHz band under the regulatory framework of the new part 26, in compliance with the mandate of the Launch Communications Act.

Under the part 26 framework established by the Commission, eligible space launch operators seeking authorization to use frequencies available for Space Launch Services must first apply for and obtain a non-exclusive 10-year nationwide spectrum license. After they obtain this license, operators must, for each launch (1) register in the Universal Licensing System (ULS) the launch site and each corresponding station (fixed, base, itinerant, or mobile) that will be used in the space launch operation; (2) complete a frequency coordination process using a third-party frequency coordinator; and (3) following successful coordination, register in ULS the final approved technical and operating parameters associated with the coordinated launch prior to commencing the launch operation.

This collection of information covers requirements for the second step, completing a frequency coordination process using a third-party frequency coordinator. Under Section 26.202 of the Commission's rules, each Space Launch Services licensee must, for each proposed launch operation, submit the technical and operational parameters of the launch to the space launch frequency coordinator, in order to initiate post-grant frequency coordination. Any changes to the technical and operational parameters for a launch event that occur after completion of post-grant frequency coordination also require coordination, and these changes shall be provided to initiate an updated post-frequency grant coordination. The specific information required in coordination requests is further detailed in Public Notice, “Wireless Telecommunications Bureau Announces Licensing and Coordination Procedures for the Space Launch Service,” DA 25–270 (WTB rel. Mar. 25, 2025).

This collection also covers the process for the selection of the frequency coordinator. Under that process, the

Wireless Telecommunications Bureau will issue a Public Notice announcing the opening of a filing window for interested parties to submit applications. Interested parties will be required to submit an application in the Electronic Comment Filing System (ECFS), specifically in WT Docket No. 24–687. Applications must include the information specified in Public Notice, “Wireless Telecommunications Bureau Announces Mechanism and Criteria for Selecting Space Launch Frequency Coordinator,” DA 25–269 (WTB rel. Mar. 25, 2025).

These information collection requirements will enable a system of frequency coordination that provides space launch operators with licensed access to three bands for space launch operations. The Commission seeks approval for the information collection requirements discussed above.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–21809 Filed 10–23–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 374130]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before December 28, 2026.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Rolanda F. Smith, 202–418–2054, Rolanda-Faye.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: The Media Bureau shall provide notice in the **Federal Register** that an application to modify an AM or FM station's community of license has been filed. See 71 FR 76208, 76211 (published December 20, 2006). The following applicants filed AM or FM proposals to change the community of license: DON DAVIS, KEPS(FM), FAC ID NO. 762441, FROM: SKYLINE-GANIPA, NM, TO: SAN MATEO, NM, FILE NO. 0000302230; BROADCAST COMMUNICATIONS, INC., WKVE(FM), FAC ID NO. 32210, FROM: MOUNT PLEASANT, PA, TO: UNIONTOWN,

PA, FILE NO. 0000302050; K-LOVE, INC., KRLE(FM), FAC ID NO. 91901, FROM: CARBON HILL, AL, TO: ADDISON, AL, FILE NO. 0000303339; ABERCROMBIE BROADCASTING FM, INC., WTNI(FM), FAC ID NO. 48737, FROM: ADDISON, AL, TO: DANVILLE, AL, FILE NO. 0000303340; COMMUNITY SERVICE BROADCASTING, KCQA(FM), FAC ID NO. 767248, FROM: ANAHOLA, HI, TO: KILAUEA, HI, FILE NO. 0000304408; KEKAHU FOUNDATION, INC., KAQA(FM), FAC ID NO. 33826, FROM: KILAUEA, HI, TO: ANAHOLA, HI, FILE NO. 0000304409; AND BUSTOS MEDIA HOLDINGS, LLC, KDDS-FM, FAC ID NO. 33622, FROM: ELMA, WA, TO: BELFAIR, WA, FILE NO. 0000304635. The full text of these applications is available electronically via Licensing and Management System (LMS), <https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicSearchLanding.html>.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2026-21802 Filed 10-23-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064-0143; -0182; -0204]

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 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064-0143; -0182; and -0204).

DATES: Comments must be submitted on or before December 28, 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:** Forms Relating to Processing Deposit Insurance Claims.

OMB Number: 3064-0143.

Affected Public: Private sector individuals and entities maintaining deposits at insured depository institutions.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN [OMB No. 3064-0143]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. 7200/04—Declaration for Government Deposit (Required to obtain benefit).	Reporting (On occasion) ..	4	1	00:30	2
2. 7200/05—Declaration for Revocable Trust (Required to obtain benefit) ...	Reporting (On occasion) ..	6	1	00:30	3
3. 7200/06—Declaration of Independent Activity (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	00:30	1
4. 7200/07—Declaration of Independent Activity for Unincorporated Association (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	00:30	1
5. 7200/08—Declaration for Joint Ownership Deposit (Required to obtain benefit).	Reporting (On occasion) ..	1	1	01:00	1
6. 7200/09—Declaration for Testamentary Deposit (Required to obtain benefit).	Reporting (On occasion) ..	1	1	01:00	1
7. 7200/10—Declaration for Defined Contribution Plan (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	00:30	1
8. 7200/11—Declaration for IRA/KEOGH Deposit (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	00:30	1
9. 7200/12—Declaration for Defined Benefit Plan (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	01:00	1
10. 7200/13—Declaration of Custodian Deposit (Required to obtain benefit)	Reporting (On occasion) ..	6	1	00:30	3
11. 7200/14—Declaration or Health and Welfare Plan (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	01:00	1
12. 7200/15—Declaration for Plan and Trust (Required to obtain benefit) ...	Reporting (On occasion) ..	P 1	1	01:00	1
13. 7200/18—Declaration for Irrevocable Trust (Required to obtain benefit)	Reporting (On occasion) ..	P 1	1	01:00	1
14. 7200/24—Claimant Verification (Required to obtain benefit)	Reporting (On occasion) ..	101	1	00:30	51
15. 7200/26—Depositor Interview Form (Required to obtain benefit)	Reporting (On occasion) ..	12	1	00:30	6
16. Deposit Broker Submission Checklist (Required to obtain benefit)	Reporting (On occasion) ..	P 1	1	00:05	0
17. Electronic file on customers, "Broker Input File Requirements" (Required to obtain benefit).	Reporting (On occasion) ..	P 1	1	01:30	2
18. 7200/22—Declaration of Agency Account (Required to obtain benefit) ..	Reporting (On occasion) ..	P 1	1	01:00	1
Total Annual Burden (Hours)					78

Source: FDIC.

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.

The superscript P denotes the number of respondents value is a placeholder.

General Description of Collection:
When an insured depository institution (IDI) is closed by its primary regulatory authority, the FDIC has the responsibility to pay the insured deposits pursuant to section 11(a) and (f) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1821(a) and (f); and the FDIC's regulations, "Deposit Insurance Coverage," 12 CFR part 330, and "Recordkeeping for Timely Deposit Insurance Determination," 12 CFR part 370. In the event that the requisite information is not available in a failed IDI's records, the FDIC will utilize these

forms, declarations and affidavits to request the necessary information from a depositor. The forms are used to facilitate the FDIC's deposit insurance determinations in the event of the failure of an insured depository institution. It includes 18 information collection (IC) line items, including 15 that apply to both depositors and their agents (e.g. deposit brokers) and three intended for use by agents alone. There is no change in the substance or methodology of this information collection. The increase in burden is primarily due to an increase in the

estimated number of respondents associated with the Claimant Verification Form, which encompasses claims filed by depositors of banks that failed in 2023.

2. Title: Retail Foreign Exchange Transactions.

OMB Number: 3064–0182.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN [OMB No. 3064–0182]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Recordkeeping Requirements, 12 CFR 349.19, 12 CFR 349.21(b)(2), 12 CFR 349.25(a) (Mandatory) ..	Recordkeeping (Annual) ..	1	1	1332:00	1,332
2. Reporting Requirements, 12 CFR 349.16 (Mandatory)	Reporting (On Occasion)	1	1	16:00	16
3. Disclosure Requirements, 12 CFR 349.22(a) and (b), 12 CFR 349.17(a)(4)(ii), 12 CFR 349.18, 12 CFR 349.25(c) and (d), 12 CFR 349.27, 12 CFR 349.28(a) and (b) (Mandatory)	Disclosure (Annual)	1	1	276:00	276
Total Annual Burden (Hours) .....	.....	.....	.....	.....	1,624

Source: FDIC.

General Description of Collection:
This information collection implements section 742(c)(2) of the Dodd-Frank Act (7 U.S.C. 2(c)(2)(E)) and FDIC regulations governing retail foreign exchange transactions as set forth at 12 CFR part 349, subpart B. The FDIC has adopted a retail forex rule that sets forth appropriate requirements for FDIC-supervised institutions engaged in such transactions. The regulation allows banking organizations under FDIC supervision to engage in off-exchange

transactions in foreign currency with retail customers provided they comply with various reporting, recordkeeping and third-party disclosure requirements specified in the rule. If an institution elects to conduct such transactions, compliance with the information collection is mandatory. There is no change in the substance or methodology of this information collection. The estimated annual burden remains unchanged from the 2024 estimate.

3. Title: Margin and Capital Requirements for Swap Entities.

OMB Number: 3064–0204.

Form Number: None.

Affected Public: Any FDIC-insured state-chartered bank that is not a member of the Federal Reserve System or FDIC-insured state-chartered savings association that is registered as a swap dealer, major swap participant, security based swap dealer, or major security based swap participant.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN [OMB No. 3064–0204]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. § 349.2 Definition of "Eligible Master Netting Agreement," paragraphs (4)(i) and (ii) § 349.8(g) Documentation § 349.10 Documentation of Margin Matters (Mandatory) ..	Recordkeeping (Annual) ..	1	1	5:00	5
2. § 349.7(c) Custody Agreement (Mandatory)	Recordkeeping (Annual) ..	1	1	100:00	100
3. § 349.8(c) and (d) Initial Margin Model (Mandatory)	Reporting (On occasion) ..	1	1	240:00	240
4. § 349.8(f)(3) Initial Margin Modeling Report (Mandatory)	Reporting (On occasion) ..	1	1	50:00	50
5. § 349.8(h) Escalation Procedures (Mandatory)	Recordkeeping (Annual) ..	1	1	20:00	20
6. § 349.9(e) Requests for Determinations (Required to Obtain Benefits)	Reporting (On Occasion)	1	1	10:00	10
7. § 349.8(g) Documentation, (Mandatory)	Recordkeeping (Annual) ..	1	1	80:00	80
8. § 349.11(a)(1) Documentation for Special Affiliates (Mandatory)	Recordkeeping (Annual) ..	1	1	125:00	125
Total Annual Burden (Hours) .....	.....	.....	.....	.....	630

Source: FDIC.

General Description of Collection: The regulations at part 349 subpart A impose reporting and recordkeeping requirements, as defined by the PRA, on any FDIC-insured state-chartered bank that is not a member of the Federal Reserve System or FDIC-insured state-chartered savings association that is registered as a swap entity (covered swap entity). As such, the FDIC must periodically obtain approval from the Office of Management and Budget (OMB) for these collections of information (ICs) with respect to covered swap entities. The OMB approves these ICs through OMB No. 3064–0204 and last approved the ICR on December 18, 2023 (2023 ICR). OMB No. 3064–0204 is set to expire on December 31, 2026. There is no change in the substance or methodology of this information collection. The burden has increased by 125 hours, from 505 hours in 2023 to 630 hours. The increase is attributable to the inclusion of previously unaccounted for recordkeeping burden under 12 CFR 349.11(a)(1). All other burden estimates remain unchanged from the 2023 approval.

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 21, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–21741 Filed 10–23–26; 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 its Fuel Rating Rule (the Rule). The current clearance expires on October 31, 2026.

DATES: Comments must be filed by November 25, 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. 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. The reginfo.gov web link is a United States Government website produced by the Office of Management and Budget (OMB) and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

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: Fuel Rating Rule, 16 CFR part 306.

OMB Control Number: 3084–0068.

Type of Review: Extension of a currently approved collection.

Likely Respondents:

(a) *Recordkeeping:* Refiners, Producers, Importers, Distributors, and Retailers of the Covered Fuel Types.

(b) *Disclosure:* Retailers of the Covered Fuel Types.

Estimated Annual Burden Hours: 28,163 (derived from 11,394 recordkeeping hours added to 16,769 disclosure hours).

Estimated Annual Labor Costs: \$455,731.

Estimated Annual Capital or Other Non-labor Costs: \$308,536.

Abstract: The Fuel Rating Rule establishes standard procedures for determining, certifying, and disclosing the octane rating of automotive gasoline and the automotive fuel rating of alternative liquid automotive fuels, as

required by the Petroleum Marketing Practices Act. 15 U.S.C. 2822(a)–(c). The Rule also requires refiners, producers, importers, distributors, and retailers to retain records showing how the ratings were determined, including delivery tickets or letters of certification.

Request for Comment

On July 23, 2026, the FTC sought public comment on the information collection requirements associated with the Rule. 91 FR 46439. Three commenters submitted germane responses. Two of the commenters supported the proposed extension of the OMB clearance for information collection requirements.¹ A third commenter, The Native Claim Firm (“NCF”), expressed no position on the proposed extension but contested the Commission's burden estimate.² Specifically, NCF observed that the Commission's burden estimate provides an average figure across retailers of all sizes and argued that this approach could obscure the relative burden on low-volume retailers. NCF requested the Commission to consider the burden on low-volume retailers and supplement its burden estimate with a breakdown by retailer size or dispenser count. To support its request, NCF estimated that low-volume retailers face a PRA burden of \$0.0000077 per gallon, which is higher than the \$0.0000057 per gallon that NCF calculated for the Commission's average figure approach. While the Commission appreciates commenters raising awareness that small entities may face unique compliance burdens, the Commission finds that this difference of two ten-thousandths of a cent per gallon does not warrant modifying the burden estimate in this instance.

Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.*, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth;

¹ J. Lee, Cmt. on Notice (Aug. 22, 2026), <https://www.regulations.gov/comment/FTC-2026-0991-0003>; Comment from Tyshae Lewis, Cmt. on Notice (Sep. 8, 2026), <https://www.regulations.gov/comment/FTC-2026-0991-0004>.

² The Native Claim Firm, Cmt. on Notice (Sep. 13, 2026), <https://www.regulations.gov/comment/FTC-2026-0991-0005>.

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.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–21798 Filed 10–23–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0466]

Submission for Office of Management and Budget Review; Office of Refugee Resettlement (ORR) Unaccompanied Alien Child Health Forms

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR) is requesting to move the Serious Medical Procedure Request (SMR) Form (Office of Management and Budget (OMB) #: 0970–0561, expiration December 31, 2026) under the Medical Assessment Form and Dental Assessment Form (OMB #: 0970–0466, expiration 10/31/2026) information collection and update the title of OMB # 0970–0466 to *Office of Refugee Resettlement (ORR) Unaccompanied Alien Child Health Forms*. Revisions are proposed to the forms. The proposed restructuring and revisions will improve transparency, lessen burden, improve data quality, and ensure alignment with ORR requirements. In addition, to ensure continuity of care, the request has been

revised to include the sharing of health information with the Department of Homeland Security (DHS) in specific circumstances.

DATES: Comments due November 25, 2026.

ADDRESSES: The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202610-0970-004. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Unaccompanied alien children in ORR custody are placed in care provider programs until unification with a qualified sponsor. Care providers ensure children receive a range of services including routine and emergency medical, dental, and mental health care. Children must receive medical and dental baseline exams, well-child checks, preventive dental care, and counseling services. Care provider staff are expected to implement all recommended treatment plans (e.g., referrals to specialists, procedures, accommodation for physical or mental impairments that impact daily living activities) as directed by the evaluating healthcare provider. All non-emergent procedures performed under anesthesia or IV sedation require ORR approval. Before a decision can be made by ORR, the SMR form must be completed by the treating healthcare provider (e.g., surgeon) and submitted to ORR via the care provider program. ORR will waive the completion of the SMR form requirement if it is deemed to be in the best interest of the child (e.g., during a hospitalization or emergency department visit, related to a medical emergency). If a child with a health condition that requires daily management or accommodation (e.g., medication, durable medical equipment) is identified for repatriation by DHS, relevant information from their established treatment plan must be shared with DHS to ensure continuity of care. See proposed changes for more information.

Data from medical and dental assessments is captured through the following forms that are currently under two ORR information collections (OMB #: 0970–0466 and 0970–0561):

- Medical Assessment Form (MAF)
- Dental Assessment Form (DAF)
- SMR Form

Each Assessment form has a corresponding instructional Dear

Colleague Letter that healthcare providers are expected to read at the initial visit with the child. The forms are used as worksheets by healthcare providers and care provider staff to compile information that would otherwise have been collected during the health assessment. Once completed, care provider staff transcribe the information from the form into ORR's secure, electronic system of record. Although the MAF is not completed during emergency or urgent care visits, hospitalizations, admissions to out-of-network facilities (e.g., medical rehab facility), or follow-up immunization visits in the absence of a healthcare provider evaluation, care providers are required to complete the respective form in ORR's electronic system of record by extracting relevant data from health records.

Data is used by ORR to monitor and support the health of unaccompanied alien children while in care, for case management of identified illnesses/conditions, and to ensure care provider compliance with ORR requirements.

Finally, ORR has updated the stated uses of data sharing to include the disclosure of relevant health information to DHS upon discharge of a child with healthcare needs from ORR custody for DHS-led repatriation.

Summary of Proposed Changes

ORR is proposing the incorporation of the SMR Form currently approved under OMB #: 0970–0561 into the OMB #: 0970–0466 information collection and changing the title to *Office of Refugee Resettlement (ORR) Unaccompanied Alien Child Health Forms* to group forms with a similar purpose together. Other changes to the SMR form include the removal of the first page that was completed by care provider staff, clarifying the purpose of the form in the instructions, revising fields to reduce redundancy, enhance data quality and healthcare provider response.

The MAF and DAF would also be revised to:

- *reduce duplicate documentation and encourage form completion* by only requiring completion of the History section on the DAF for the initial dental exam and allowing healthcare providers the option of summarizing critical health information in the first two pages of the MAF instead of completing a third page for all scheduled visits except the initial medical exam and routine well-child visits.

- *improve compliance and care tracking* by strengthening the disabilities and accommodations field and adding a field for all ordered or

completed labs and imaging on the MAF, and

- *improve data quality* through clearer instructions by visit type, a healthcare provider acknowledgement and signature section authorizing record sharing with ORR, replacement of fixed diagnosis choices with free-text fields, and broader field reformatting.

The related Dear Colleague Letter would also be updated to reflect these MAF and DAF changes.

In addition, language was updated to expand the purposes of data to include sharing limited health data from the MAF and DAF with DHS when a child with healthcare needs departs ORR custody for DHS-led repatriation. Data will be shared with the DHS Field Office Juvenile Coordinator (FOJC)

when travel arrangements have been made. Data is not shared for immigration enforcement purposes. Shared information includes:

- Child's identifying information (name, alien number, date of birth)
- Active diagnoses or concerns that require management during travel
- Allergies
- Current medications and dosages
- Isolation/Quarantine requirements
- Health-related accommodations (including durable medical equipment needs)
- Health-related travel restrictions

The purpose of sharing this data is to ensure children receive healthcare services and accommodation as recommended by their treating healthcare providers.

Respondents: Healthcare providers (primary care providers, medical specialists, dentists, and surgeons).

Annual Burden Estimates

The overall annual burden of response and recordkeeping time decreased by 93.2 percent and 90.4 percent, respectively. The decrease is attributed to a significantly lower census of unaccompanied alien children in ORR care which reduced the number of respondents and responses per respondent. In addition, the average burden hours per response was decreased for each form by removing unnecessary fields and introducing skip patterns for fields that are only needed for specific types of visits.

ESTIMATED RESPONSE TIME FOR RESPONDENTS

Instrument	Respondent	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Medical Assessment Form	Pediatricians, General	150	104	0.134	2,090.4
Dental Assessment Form	Medical Specialist, General	300	27.4	0.137	1,126.1
SMR Form	Dentists	150	124.4	0.05	933
	Surgeons	150	0.67	0.17	17.1
Estimated Total Annual Burden Hours					4,166.6

ESTIMATED RECORDKEEPING TIME FOR RESPONDENTS

Instrument	Respondent	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Medical Assessment Form completed by a medical provider.	Care Provider Staff	150	158.72	0.24	5,713.92
Medical Assessment Form not completed by a medical provider (information obtained via health records).		150	22.08	0.33	1,092.96
Dental Assessment Form		150	124.4	0.15	2,799
SMR Form		150	0.67	0.08	8.04
Estimated Total Annual Burden Hours					9,613.92

Authority: These information collections are related to and funded by the ORR Unaccompanied Alien Children Bureau (UACB), are authorized by the statutes and regulations listed below, and are being conducted by ORR UACB.

- *Homeland Security Act, 6 U.S.C. 279*—Transferred responsibilities for the care and placement of unaccompanied alien children from the Commissioner of the former Immigration and Naturalization Service to the Director of ORR.

- *Unaccompanied Children Program Foundational Rule, 45 CFR part 410*—Establishes a uniform set of standards and procedures concerning the placement, care, and services provided

to unaccompanied alien children in ORR care that is consistent with ORR's statutory duties. Sections 410.1306(g) and 410.1307 require care provider programs to ensure children are provided with routine and emergency healthcare services while in care.

- *Lucas R. et al. v. Becerra et al. (Case No. 2:18-CV-05741-DMG-PLA) Psychotropic Medication Settlement Agreement*—Establishes standards for monitoring the administration of psychotropic medication to children in ORR custody and care.

Samantha L. Illangasekare,
ACF/OPRE Certifying Officer.

[FR Doc. 2026-21762 Filed 10-23-26; 8:45 am]

BILLING CODE 4184-45-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2026-N-11848]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product; ISEMBYLD (apitegromab-mstn)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food,

Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that ISEMBYLD (apitegromab-mstn), approved September 11, 2026, manufactured by Scholar Rock, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Quyen Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-2771, Quyen.Tran1@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined ISEMBYLD (apitegromab-mstn), manufactured by Scholar Rock, Inc., meets the criteria for a priority review voucher. ISEMBYLD (apitegromab-mstn) injection is indicated for the treatment of spinal muscular atrophy (SMA) in adults and pediatric patients 2 years of age and older who are currently receiving a survival motor neuron 2 (SMN2)-targeted treatment.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to <https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm>. For further information about ISEMBYLD (apitegromab-mstn), go to the "Drugs@FDA" website at <https://www.accessdata.fda.gov/scripts/cder/daf/>.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026-21718 Filed 10-23-26; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be partially open to the public as indicated below. Individuals who plan to attend as well as those who need special assistance, such as sign language interpretation or other reasonable accommodations, must notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov/>).

The meeting 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 intramural programs and projects as well as the grant applications and/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: January 25-26, 2027.

Open: January 25, 2027, 12:00 p.m. to 5:00 p.m.

Agenda: Call to order and introductory remarks; NICHD Director's Report; Invited Director, NIA; Scientific Presentation; Voice of the Participant; Concept Clearance; Closing Remarks.

Address: Eunice Kennedy Shriver National Institute of Child, Health and Human Development, National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20817.

Meeting Format: Virtual Meeting.

Closed: January 26, 2027, 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Address: Eunice Kennedy Shriver National Institute of Child, Health and Human Development, National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20817.

Meeting Format: Virtual Meeting.

Contact Person: Joseph Gindhart, Ph.D., Deputy Director, Division of Extramural

Activities, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2322, 301-435-6975, joe.gindhart@nih.gov.

Registration is not required to attend the open portion of this meeting.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <https://www.nichd.nih.gov/about/advisory/council>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: October 21, 2026.

Margaret N. Vardanian,

Program Analyst Office of Federal Advisory Committee Policy.

[FR Doc. 2026-21815 Filed 10-23-26; 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; Research projects and Exploratory Research projects of Molecular interactions of intracellular proteins.

Date: November 19, 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: Lee Warren Slice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867-5309, slicelw@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-AI-27 012: Coccidioidomycosis Collaborative Research Centers (P01 Clinical Trial Not Allowed).

Date: November 19–20, 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: Poonam Pegu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 292-0719, poonam.pegu@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cancer Immunology and Immunotherapy A.

Date: November 20, 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., BS, 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; Clinical Decision Making and Clinical Outcomes for Aged Populations.

Date: November 20, 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: Rhoda Keese Moise, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (304) 594-0702, rhoda.moise@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-25-156: Limited Competition: High Impact Specialized Innovation Programs in Clinical and Translational Science (RC2).

Date: November 20, 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: John Harold Laity, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402-8254, laityjh@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative International Projects in Musculoskeletal and Oral Research (PF5).

Date: November 20, 2026.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Vanessa Dawn Sherk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 801C, Bethesda, MD 20892, (301) 867-5309, sherkv2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Bioengineering and Instrumentation.

Date: November 20, 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: Mirela Milesescu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 mirela.milesescu@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Health Services Research.

Date: November 20, 2026.

Time: 10:00 a.m. to 11:00 a.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: Angela D. Thrasher, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000J, Bethesda, MD 20892, (301) 480-6894, thrasherad@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small business: Auditory and Vision Technologies.

Date: November 20, 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: Barbara Susanne Mallon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-8992, mallonb@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 22, 2026.

Kuleni D. Onnen,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-21816 Filed 10-23-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below.

Individuals who plan to attend in-person or view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session can be accessed from the Fogarty International Center website (<https://www.fic.nih.gov/About/Advisory>).

The meeting 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: Fogarty International Center Advisory Board.

Date: February 8–9, 2027.

Closed: February 08, 2027, 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate the second level of grant applications.

Address: Fogarty International Center National Institutes of Health Lawton Chiles International House (Stone House) 16 Center Drive, Room B2C02, Bethesda, MD 20892.

Meeting Format: In Person and Virtual Meeting.

Open: February 09, 2027, 9:00 a.m. to 12:00 p.m.

Agenda: Update and discussion of current and planned Fogarty International Center activities.

Address: Fogarty International Center National Institutes of Health Lawton Chiles International House (Stone House), 16 Center Drive, Room B2C02, Bethesda, MD 20892.

Meeting Format: In Person and Virtual Meeting.

Meeting Access: <https://www.fic.nih.gov/About/Advisory>.

Contact Person: Kristen Weymouth, Executive Secretary, Fogarty International Center, 31 Center Drive, Room B2C02, Bethesda, MD 20892, 301-495-1415, kristen.weymouth@nih.gov.

Registration is not required to attend the open portion of this meeting.

In the interest of security, NIH has procedures at <https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.fic.nih.gov/About/Advisory/Pages/default.aspx>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.106, Minority International Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior International Fellowship Awards Program, National Institutes of Health, HHS)

Dated: October 21, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-21814 Filed 10-23-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG-2026-0374]

Cooperative Research and Development Agreement: Super Intelligence (SI) Situational Awareness Tools for Analyzing Coast Guard (CG) Sensor Feeds for Search and Rescue (SAR)

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter a Cooperative Research and Development Agreement (CRADA) with LOOKOUT to assess Super Intelligence for automated target detection and establish a reliable coverage-factor value supporting data-

driven Lateral Range Curve (LRC) results for Search and Rescue (SAR) operations. Proposed tools must be high technology-readiness-level, commercially available, self-contained, portable, capable of edge computing, and compatible with video-feed-agnostic sensors. While considering LOOKOUT, the Coast Guard seeks public comment on the proposed CRADA and potential participation by other parties. Interested Federal entities with relevant capabilities may submit proposals for similar CRADAs for agency consideration and future collaboration.

DATES: Your comments and related material must reach the Coast Guard on or before November 25, 2026.

ADDRESSES: You may submit comments identified by docket number USCG-2026-0374 at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of intent, call or email Mr. Sean Lester, Connectivity Branch, U.S. Coast Guard Research and Development Center; telephone 860-271-2600, email RDC-info@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CG U.S. Coast Guard
DHS Department of Homeland Security
U.S.C. United States Code

II. Background and Purpose

The CG is evaluating the operational impact and technical integration of Super Intelligence (SI) situational awareness tools to perform benchmarking, evaluate system interoperability, and propose data handling best practices. The CG currently leverages a variety of sensor inputs and processes across multiple units and operational assets to complete SAR operations. The incorporation of SI tools may allow the CG to automatically detect, classify, and track targets while addressing variables, such as low light, fog, precipitation, and rough sea states. By implementing these tools and analyzing system performance, the Coast Guard will improve critical decision-making during SAR mission execution when the necessity for rapid data aggregation and continuous analysis is critical.

By examining LOOKOUT's situational awareness tools, the CG has an opportunity to streamline, simplify or

augment the existing SAR process workflows and generate performance data relevant to future operations. An additional possible goal is to characterize SI system confidence and operational performance, to build a measurable evaluation tool that could reduce the CG's barrier to integrate SI tools.

III. Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

We encourage you to submit comments in response to this notice of inquiry at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2026-0374 in the search box and click "Search." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. To view documents mentioned in this notice of inquiry as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions webpage.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more information about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

IV. Discussion

CRADAs are authorized under 15 U.S.C. 3710a.¹ A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the

¹ The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other types of agreements.

Under the proposed CRADA, the U. S. Coast Guard Research and Development Center (R&D Center) will collaborate with one non-Federal participant. Together, the R&D Center and the non-Federal participant will conduct testing, development and evaluation of artificial intelligence enabled situational awareness tools designed to augment existing SAR workflows and generate critical performance data to inform future operational adoption.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

1. Provide appropriate staff with pertinent expertise to take the lead in accomplishing the agreed tasks.
2. Provide all support resources, including travel for Coast Guard staff that support this CRADA.
3. Provide data feeds as required to support test objectives.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

1. Provide appropriate staff with pertinent expertise to support the agreed upon tasks in Statement of Work.
2. Provide all support resources, including travel for staff that support this CRADA.
3. Assist with installation of system equipment and software for evaluation.
4. Provide technical support, as needed.
5. Draft summary report in collaboration with all participants.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and consist of not more than five single-sided pages (excluding cover page, DD 1494, JF-12). The Coast Guard will select proposals at sole discretion on the basis of:

1. How well they communicate an understanding, of and ability to meet, the proposed CRADA's goal; and

2. How well they address the following criteria:

- a. Technical capability to support the non-Federal party contributions described, and
- b. Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering LOOKOUT for participation in this CRADA. This consideration is based on the fact that LOOKOUT has demonstrated its technical ability and availability of SI tools that are ready to be deployed, evaluated and operated in a CG test environment with CG sensor feeds. However, we do not wish to exclude other viable participants from this or similar CRADAs in the future.

This is a technology assessment effort. The goal of the Coast Guard for this CRADA is to establish a framework to determine SI's effectiveness in automating target detection, which will be used to establish a reliable coverage factor value to enable data-driven Lateral Range Curve (LRC) results for Search and Rescue (SAR) operations. Special consideration will be given to small business firms and consortia, and preference will be given to business units located in the United States. This notice is issued under the authority of 5 U.S.C. 552(a).

P.J. Granati,

Captain, Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2026-21723 Filed 10-23-26; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Ratification of Civil Penalties

AGENCY: U.S. Immigration and Customs Enforcement ("ICE"), Department of Homeland Security.

ACTION: Ratification.

SUMMARY: The Department of Homeland Security ("DHS"), through the Secretary of Homeland Security, ratifies all final civil penalties that had been assessed in accordance with interim regulations. These interim regulations were later adopted as final with only slight modification so retained substantially the same procedures by which the civil penalties are assessed. This notification ratifies all civil penalties assessed in accordance with the interim regulations prior to the final adoption.

DATES: This ratification is issued on October 26, 2026 and relates back to the original date of each civil penalty assessed in accordance with the interim regulations.

All claims submitted pursuant to this notice must be received by ICE on or before November 16, 2026.

FOR FURTHER INFORMATION CONTACT:

Office of the General Counsel, DHS, Washington, DC 20528, (202) 282-9822.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

On June 27, 2025, DHS and EOIR published a joint interim final rule ("IFR") titled "Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations." 90 FR 27439. This IFR modified the procedures by which civil monetary penalties issued under three statutory provisions of the Immigration and Nationality Act ("INA")—8 U.S.C. 1324d(a)(1), 1229c(d), and 1325(b)—are assessed. Whereas civil penalties issued under these provisions were previously assessed pursuant to the procedures codified at 8 CFR part 280, the IFR announced a new procedure, codified at 8 CFR part 281, effective immediately on the date of publication of the IFR.

Although it was unnecessary because the IFR was subject to two exceptions to the requirements of the Administrative Procedure Act regarding notice and comment, DHS and EOIR opened the IFR for public comments through July 28, 2025. The public submitted 28 comments. After considering the comments received, DHS and EOIR published a Final Rule on October 14, 2026. 91 FR 65390. The Final Rule has no material difference from the IFR for the purposes of the civil penalties that had already been assessed prior to the publication of the Final Rule. Thus, under the Final Rule, just as under the IFR, the procedure outlined at 8 CFR part 281 remains the procedure by which civil penalties issued under 8 U.S.C. 1324d(a)(1), 1229c(d), and 1325(b) are assessed. The only change the Final Rule makes as compared to the IFR is that the Final Rule permits acceptance of a late-filed appeal based on documentary evidence demonstrating a mail delivery delay that ICE finds was beyond an alien's control.

II. Overview of Ratification

To resolve any uncertainty, the Secretary of Homeland Security has decided to ratify all civil penalties issued under the interim adoption of 8 CFR part 281 from June 27, 2025, through October 13, 2026. Under established case law, any agency may, through ratification, "purge[] any residual taint or prejudice left over from" a potential defect in a prior

governmental action.¹ The Department of Homeland Security is issuing this ratification out of an abundance of caution, and this ratification is not a statement that the fines covered by this ratification would have been invalid absent this ratification.

III. Ratification

The Secretary of Homeland Security hereby ratifies all final civil penalty decisions, as defined in 8 CFR 281.1(f)(3), issued pursuant to the procedures codified at 8 CFR part 281 from June 27, 2025, through October 13, 2026, except for those that have been reversed on appeal, are currently pending appeal, or have otherwise been reopened and rescinded pursuant to 8 CFR 281.1(f)(1). Any respondent alien who asserts that he or she has been prejudiced by the interim regulations may raise that claim to ICE to evaluate whether such prejudice has been shown and what remedy, if any, is appropriate. This process is not an additional appeal mechanism; rather, it is limited to claims of prejudice for civil penalties issued under the interim regulations.

To raise a claim, please email IFRCivilFinesReview@ice.dhs.gov. In the subject line of the email, please provide the respondent alien's full name, date of birth, and alien registration number. This claim must also contain the respondent alien's current address and current phone number, the penalty tracking number of the respondent alien's applicable civil penalty, and an invoice number (if applicable). ICE will not review claims that fail to include the above-listed required information. All claims must be received by ICE on or before November 16, 2026.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026-21751 Filed 10-23-26; 8:45 am]

BILLING CODE 9110-9M-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket Number ICEB-2026-0166]

Agency Information Collection Activities: ICE FOIA Request Form, I-902

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice and request for comments, new collection, 1653-NEW.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until December 28, 2026. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number Docket #ICEB-2026-0166, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket #ICEB-2026-0166. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Privacy Act of 1974 (PA), 5 U.S.C. 552a, provide individuals the right to request access to federal agency records, subject to certain exemptions and exclusions. Department of Homeland Security (DHS) regulations at 6 CFR part 5 implement these statutes for DHS components, including U.S. Immigration and Customs Enforcement (ICE).

ICE Form I-902, Freedom of Information Act Request Form, is used to collect the minimum information necessary for ICE to:

- Identify the subject of the requested records;
- Locate, retrieve, and review potentially responsive records;
- Verify the identity of the requester and, when applicable, confirm the requester's authority to receive records about another individual; and
- Process requests under FOIA and/or the Privacy Act in accordance with statutory and regulatory requirements.

This collection is necessary for ICE to fulfill its statutory obligations to process FOIA and Privacy Act requests, document requesters' identities and consents, and maintain accurate records of requests and disclosures. Failure to collect this information would impede ICE's ability to comply with FOIA and the Privacy Act, and with DHS FOIA implementing regulations.

Indicate How, by Whom, and for What Purpose the Information Is To Be Used

The information collected on ICE Form I-902 is used by:

- ICE FOIA Office personnel;
- FOIA and Privacy Act staff within relevant ICE program offices (e.g., Enforcement and Removal Operations and Homeland Security Investigations (HSI)); and
- Other DHS or federal personnel as needed for coordination and consultation.

The information is used to:

- Positively identify the subject of the records and the requester;
- Determine the scope and type of records being requested (e.g., ERO apprehension/detention records, SEVP records, other ICE records);
- Locate and retrieve responsive records in ICE systems and files;
- Verify consent and authority to access records relating to a third party (Part 3);
- Satisfy identity verification requirements under FOIA/PA and DHS regulations (Part 4—declaration under penalty of perjury or notarized affidavit);
- Document the request in ICE's FOIA case tracking systems for processing, quality control, and reporting; and
- Support required FOIA program reporting and audit activities.

This is a new collection specific to ICE Form I-902. Previously, similar information has been collected through freeform written FOIA/PA requests submitted via mail or other electronic means. The form standardizes and structures the necessary data elements to improve completeness, accuracy, and processing efficiency.

ICE Form I-902 is made available to requesters in electronic format (fillable PDF) via the ICE public website. Requesters may complete the form electronically, print, and submit it via the methods permitted by ICE FOIA (e.g., upload through the online FOIA portal or mail), consistent with current ICE FOIA procedures.

The information from the completed form is entered into, or ingested by, ICE's FOIA case tracking and document management systems (e.g., SharePoint-based matter tracking systems and other FOIA case management tools) as described in DHS/ALL-001 and DHS/ALL-004 and associated Privacy Impact Assessments. ICE uses these systems to:

- Log and track FOIA/PA requests;
- Assign requests for processing;
- Record processing milestones and determinations; and
- Maintain an electronic record of correspondence and responsive documents.

¹ *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019).

The form is designed to:

- Be fillable electronically to reduce handwriting errors and incomplete submissions;
- Align data elements with FOIA tracking system fields to minimize rekeying and reduce data entry burden; and
- Facilitate electronic storage, retrieval, and reporting.

ICE has considered and implemented the use of information technology to the extent practicable to reduce burden on both requesters and the government, consistent with FOIA requirements for multiple submission channels (mail, electronic, etc.) and the need for original signatures for identity verification.

This collection primarily affects individuals who are requesting access to records about themselves or another individual. In limited circumstances, small businesses or other small entities (such as law firms or non-profit organizations) may submit requests on behalf of clients or as organizational requesters.

The burden on such entities is minimal because:

- The form is short, straightforward, and limited to information necessary to identify the requester/subject and locate records;
- The form is available in a fillable PDF format that can be reused as a template by organizations that regularly submit requests; and
- Only one form is required per request, and no specialized equipment or software is needed beyond standard office tools.

Therefore, this information collection does not have a significant impact on small businesses or other small entities.

If ICE did not collect this information, or collected it less frequently:

- ICE would be unable to reliably verify the identity of requesters and the subjects of records, increasing the risk of unauthorized disclosures and violations of the Privacy Act and FOIA;
- ICE would experience difficulty locating and retrieving responsive records in a timely and accurate manner, leading to delays, increased backlogs, and potential non-compliance with FOIA statutory response time requirements;
- ICE's ability to document consent for third-party disclosures would be compromised, creating legal risk and privacy concerns; and
- ICE would lack sufficient standardized data to manage and report on FOIA/PA operations as required by DHS policy and oversight bodies.

Because FOIA/PA requests are initiated by individuals at their discretion, ICE cannot reduce the

"frequency" of the collection; it occurs only when an individual chooses to submit a request. The form is designed to collect the minimum information needed to process each request, so further reduction of the information requested would impair ICE's ability to comply with FOIA and the Privacy Act.

There are no technical or legal obstacles to reducing burden beyond this point; the collection is already limited to the essential data elements required for proper identification, search, processing, and documentation of FOIA/PA requests.

ICE does not provide a special or absolute assurance of confidentiality to respondents for information submitted on ICE Form I-902. The information provided on this form is protected and used in accordance with:

- The Freedom of Information Act (FOIA), 5 U.S.C. 552;
- The Privacy Act of 1974 (PA), 5 U.S.C. 552a;
- DHS FOIA and Privacy Act implementing regulations at 6 CFR part 5; and
- Applicable DHS System of Records Notices (SORNs), including:
 - DHS/ALL-001 Department of Homeland Security (DHS) Freedom of Information Act (FOIA) and Privacy Act (PA) Record System; and
 - DHS/ALL-004 General Information Technology Access Account Records System (GI-TAARS).

Under these authorities and associated DHS privacy and security policies, ICE:

- Collects only the information needed to process FOIA and Privacy Act requests;
- Restricts access to the information to personnel with a need to know for official purposes;
- Maintains the information in secure systems described in the published SORNs and Privacy Impact Assessments (e.g., DHS/ICE/PIA-043 SharePoint Matter Tracking Systems and DHS/ALL/PIA-028 DHS FOIA and Privacy Act Records Program Update); and
- May share information with other federal, state, local, and foreign government agencies and authorized organizations consistent with the routine uses listed in the applicable SORNs, or as otherwise authorized or required by law (including for law enforcement or national security purposes).

Because FOIA is a disclosure statute, information submitted on this form may itself be subject to FOIA requests. Any such requests are processed in accordance with FOIA and the Privacy Act, including consideration of applicable exemptions and exclusions

that protect personal privacy and other protected interests. No additional, non-statutory assurances of confidentiality are provided.

This is a new collection of information.

The Office of Management and Budget is particularly interested in comments which:

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; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

Title: ICE FOIA Request Form, I-902.

OMB Number: 1653-NEW.

Frequency: On Occasion.

Affected Public: Individuals or Households, Business or Other For-Profit, Not-For-Profit Institutions, State, Local, or Tribal Governments.

Number of Respondents: 58,748.

Estimated Time per Respondent: 0.5 hours.

Total Burden Hours: 29,374 annual burden hours.

Dated: October 21, 2026.

Ashley Pearce,
Deputy Chief Data Officer.

[FR Doc. 2026-21765 Filed 10-23-26; 8:45 am]

BILLING CODE 9111-28-P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement**

[S1D1S SS08011000 SX064A000
256S180110; S2D2S SS08011000
SX064A000 25XS501520; OMB Control
Number 1029–0049]

**Agency Information Collection
Activities; 30 CFR 822—Special
Permanent Program Performance
Standards—Operations in Alluvial Valley
Floors**

AGENCY: Office of Surface Mining
Reclamation and Enforcement, Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, the
Office of Surface Mining Reclamation
and Enforcement (OSM) is proposing to
renew an information collection. The
information collected is used to verify
that alluvial valley floors are protected
in accordance with statutory
requirements.

DATES: Interested persons are invited to
submit comments on or before
November 25, 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. Once at that website, locate
this particular information collection by
selecting “Currently under Review—
Open for Public Comments” or by using
the search function. Please provide a
copy of your comments to William
Frankel, Office of Surface Mining
Reclamation and Enforcement, 1849 C
Street NW—MS 412, Washington, DC
20240 or by email to wfrankel@osmre.gov. Please reference OMB
Control Number 1029–0049 in the
subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To
request additional information about
this Information Collection Request
(ICR), contact William Frankel by email
at wfrankel@osmre.gov or by telephone
at 202–208–0121. Individuals in the
United States who are deaf, deafblind,
hard of hearing, or have a speech
disability may dial 711 (TTY, TDD, or
TeleBraille) to access
telecommunications relay services.
Individuals outside the United States
should use the relay services available
in their country to make international
calls to the point of contact in the
United States.

SUPPLEMENTARY INFORMATION: In
accordance with the Paperwork

Reduction Act of 1995, 44 U.S.C. 3501
et seq., (PRA) and 5 CFR 1320.8(d)(1)
and, as part of our continuing effort to
reduce paperwork and respondent
burdens, OSM provides the general
public and other Federal agencies with
an opportunity to comment on new,
proposed, revised, and continuing
collections of information. Public
comment helps OSM assess the impact
of our information collection
requirements and minimize the public’s
reporting burden. It also helps the
public understand OSM’s information
collection requirements and provide the
requested data in the desired format.

We published a **Federal Register**
notice for this ICR with a 60-day public
comment period soliciting comments on
June 22, 2026 (91 FR 37139). No
comments were received.

As part of our continuing effort to
reduce paperwork and respondent
burdens, we are again soliciting
comments from the public and other
Federal agencies on the proposed ICR
that is described below. We are
especially interested in public comment
addressing the following:

- (1) Whether or not the collection of
information is necessary for the proper
performance of the functions of the
agency, including whether or not the
information will have practical utility;
- (2) The accuracy of our estimate of the
burden for this collection of
information, including the validity of
the methodology and assumptions used;
- (3) Ways to enhance the quality,
utility, and clarity of the information to
be collected; and
- (4) How might the agency 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 response.

Comments that you submit in
response to this notice are a matter of
public record. Before including your
address, phone number, email address,
or other personal identifying
information in your comment, you
should be aware that your entire
comment—including your personal
identifying information—may be made
publicly available at any time. While
you can ask us in your comment to
withhold your personal identifying
information from public review, we
cannot guarantee that we will be able to
do so.

Abstract: This information collection,
which is entitled, “30 CFR 822—Special
Permanent Program Performance
Standards—Operations in Alluvial Valley

Floors” (OMB Control Number 1029–
0049) implements sections 510(b)(5) and
515(b)(10)(F) of the Surface Mining
Control and Reclamation Act of 1977
(SMCRA), which protect alluvial valley
floors (AVFs) west of the 100th
meridian from the adverse impacts of
surface coal mining operations. The
information collected is used to verify
that AVFs are protected in accordance
with SMCRA requirements. Under 30
CFR 822.13, permittees within these
areas must install, maintain, and operate
a monitoring system to safeguard these
unique hydrologic areas. The regulatory
authority is responsible for reviewing
the monitoring data the permittee
submits.

Title of Collection: 30 CFR 822—
Special Permanent Program
Performance Standards—Operations in
Alluvial Valley Floors.

OMB Control Number: 1029–0049.

Form Number: None.

Type of Review: Extension of a
currently approved collection.

Respondents/Affected Public: State
Regulatory Authorities (SRAs).

**Total Estimated Number of Annual
Respondents:** 75.

**Total Estimated Number of Annual
Responses:** 134.

**Estimated Completion Time per
Response:** 15 to 160 hours.

**Total Estimated Number of Annual
Burden Hours:** 11,725 hours.

Respondent’s Obligation: Required to
obtain or retain a benefit.

Frequency of Collection: Annual.

**Total Estimated Annual Nonhour
Burden Cost:** \$0.

An agency may not conduct or
sponsor and a person is not required to
respond to a collection of information
unless it displays a currently valid OMB
control number.

The authority for this action is the
Paperwork Reduction Act of 1995.

William L. Frankel,

*Information Collection Clearance Officer,
Office of Surface Mining Reclamation and
Enforcement, Department of the Interior.*

[FR Doc. 2026–21726 Filed 10–23–26; 8:45 am]

BILLING CODE 4310–05–P

**INTERNATIONAL TRADE
COMMISSION**

**[Investigation Nos. 701–TA–787–788 and
731–TA–1775–1776 (Final)]**

**Large Diameter Graphite Electrodes
From China and India; 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-787-788 and 731-TA-1775-1776 (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 large diameter graphite electrodes from China and India, provided for in subheadings 8545.11.00, 3801.10.50, and 3801.90.00 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 30, 2026.

FOR FURTHER INFORMATION CONTACT: Camille Bryan ((202) 205-2811), 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 all large diameter graphite electrodes of any length, whether or not finished, of a kind used in furnaces, with a nominal or actual diameter exceeding 425 millimeters (16.7 inches), and whether or not attached to a graphite pin joining system or any other type of joining system or hardware. The merchandise covered by the investigation also includes graphite pin joining systems (commonly referred to as pins or nipples) for large diameter graphite electrodes, of any length, and with a minimum diameter of 228.6 mm (9 inches) at its widest transverse cross-section, whether or not finished, of a kind used in furnaces, and whether or not the graphite pin joining system is attached to, sold with, or sold separately from, the large diameter graphite

electrode. Unfinished large diameter graphite electrodes are graphitized electrodes that have not undergone final machining. For purposes of the investigation, the country of origin is determined by the country of graphitization.

Excluded from the scope of the investigation are large diameter graphite electrodes that are subject to the existing antidumping duty order on Small Diameter Graphite Electrodes from the People's Republic of China. See Antidumping Duty Order: Small Diameter Graphite Electrodes from the People's Republic of China, 74 FR 8775 (February 26, 2009) (SDGE China AD Order) due to an affirmative determination of circumvention that imports of graphite electrodes from the People's Republic of China, produced and/or exported by Sinosteel Jilin Carbon Co., Ltd. and Jilin Carbon Import & Export Company (collectively, Jilin Carbon), with an actual or nominal diameter of 17 inches and otherwise meeting the description of the scope of the SDGE China AD Order constitute merchandise subject to the SDGE China AD Order. See Small Diameter Graphite Electrodes from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order and Rescission of Later-Developed Merchandise Anticircumvention Inquiry, 78 FR 56864 (September 16, 2013). In the case of graphite electrodes entering the United States determined to be subject to the SDGE China AD Order, such order controls. In the case of graphite electrodes entering the United States meeting the scope definition of the investigation and not covered by the scope of the SDGE China AD Order, the scope of the investigation controls.

Excluded from the scope of the investigation are certain thermal energy storage (TES) graphite blocks. The excluded TES graphite blocks are machine-milled, non-cylindrical graphite blocks, which have: a coefficient of thermal expansion of 1.5 $\mu\text{m}/(\text{m}\cdot\text{K})$ or greater, and an apparent (also known as bulk) density below 1.74 g/cm³, and which have an actual length of between 228.6 mm (9.0 inches) and 3010 mm (118.5 inches), an actual width between 228.6 mm (9.0 inches) and 560 mm (22.0 inches), an actual height between 228.6 mm (9.0 inches) and 560 mm (22.0 inches), and which have been machined to include two or more holes of at least 150 mm (5.9 inches) in depth and at least 35 mm (1.4 inches) in diameter.

The two or more 150 mm deep holes must be located: (i) along the longest centerline of the longest side of the

block, each located on the same side of the block, (ii) spaced at intervals of no greater than 1000 mm (39.4 inches) apart as measured from the outer edge of the holes, and (iii) with the hole closest to each end of the longest centerline located within 1000 mm of the corresponding end of the block. Blocks may contain any number of additional holes, channels, or grooves in any configuration or location, provided that at least two or more holes of at least 150 mm depth are present as described above.

Further excluded from the scope of the investigation are certain TES graphite blocks, anchors, and pins, regardless of shape, which have a coefficient of thermal expansion of 1.5 $\mu\text{m}/(\text{m}\cdot\text{K})$ or greater, and an apparent (also known as bulk) density below 1.74 g/cm³, with actual dimensions such that any one or more of the length, width, or height is less than 228.6 mm (9.0 inches).

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 China and India of large diameter graphite electrodes, 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 February 24, 2026, by Resonac Graphite America Inc., Ridgeville, South Carolina; and Tokai Carbon GE LLC, Charlotte, North Carolina.

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 26, 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 9, 2027. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 3, 2027. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigations, 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/calendar/pd/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 February 8, 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 8, 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 5:15 p.m. on February 2, 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 5:15 p.m. on February 17, 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 5:15 p.m. on February 17, 2027. On March 8, 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 March 10, 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 21, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026-21754 Filed 10-23-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-526 and 731-TA-1262 (Second Review)]

Melamine From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping and countervailing duty orders on melamine from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: September 4, 2026.

FOR FURTHER INFORMATION CONTACT:

Laurel Schwartz ((202) 205-2398), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility

impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On September 4, 2026, the Commission determined that the domestic interested party group response to its notice of institution (91 FR 32431, June 1, 2026) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).

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).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on December 23, 2026. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before December 30, 2026 and may not contain new factual information. Any person that is neither a party to the five-year

reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by December 30, 2026. However, should the Department of Commerce ("Commerce") extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must 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.

In accordance with §§ 201.16(c) and 207.3 of the 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.

Determination.—The Commission has determined 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 § 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 21, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–21753 Filed 10–23–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Appointment of Individuals To Serve as Members of the Performance Review Board

AGENCY: United States International Trade Commission.

ACTION: Appointment of individuals to serve as members of Performance Review Board.

DATES: Applicable Date: October 20, 2026.

FOR FURTHER INFORMATION CONTACT: Eric Mozie, Director of Human Resources, U.S. International Trade Commission (202) 205–2651.

SUPPLEMENTARY INFORMATION: The Chair of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Board (PRB):

Chair of the PRB: Commissioner Jason Kearns

Vice Chair of the PRB: Commissioner Peter-Anthony Pappas

Member—James Galkowski

Member—Nannette Christ

Member—Catherine DeFilippo

Member—Silvia Galluch

Member—Katie Higginbotham

Member—Margaret Macdonald

Member—William Powers

Member—Keith Vaughn

Member—Jeremy Wise

This notice is published in the **Federal Register** pursuant to the requirement of 5 U.S.C. 4314(c)(4). Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

By order of the Chairman.

Issued: October 22, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–21771 Filed 10–23–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 26–112]

Vida Janson, M.D.; Decision and Order

On May 5, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Vida Janson, M.D., of Seattle, Washington (Respondent). OSC, at 1, 3. The OSC proposed the revocation of Respondent's DEA Certificate of Registration No. BJ6418380, alleging that Respondent is "without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Washington, the state in which [she is] registered with DEA." *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

On June 3, 2026, Respondent filed a request for a hearing and filed a Supplemental Answer to the allegations in the OSC. Respondent also filed a Motion to Hold Proceeding in Abeyance seeking to defer the proceeding until

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

² The Commission has found the response submitted on behalf of Cornerstone Chemical Company ("Cornerstone") to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

resolution of the underlying state authority matter. On August 7, 2026, the Government filed a Motion for Summary Disposition, which Respondent opposed. On August 27, 2026, Chief Administrative Law Judge Derek C. Julius (Chief ALJ) granted the Government's Motion for Summary Disposition and recommended the revocation of Respondent's registration, finding that because Respondent lacks state authority to handle controlled substances in Washington, the state in which she is registered with DEA, "there is no other fact of consequence for this tribunal to decide in order to determine whether or not she is entitled to maintain her DEA registration." Order Granting the Government's Motion for Summary Disposition, and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (RD), at 5. Respondent did not file exceptions to the RD.

Having reviewed the entire record, the Agency adopts and hereby incorporates by reference the entirety of the ALJ's rulings, findings of fact, conclusions of law, and recommended sanction as found in the RD and summarizes and expands upon portions thereof herein.

Findings of Fact

Effective January 23, 2026, the Washington State Department of Health issued a Findings of Fact, Conclusions of Law, and Final Order suspending Respondent from the practice of medicine in the State of Washington as a result of Respondent committing unprofessional conduct. OSC, at 2.¹ According to Washington online records, of which the Agency takes official notice, Respondent's Washington medical license is suspended.² Washington State Department of Health Provider Credential Search, <https://wahelms.my.site.com/s/license-search> (last visited date of signature of this Order). Accordingly, the Agency finds that Respondent does not have the state authority to handle controlled substances in Washington, the state in which she is registered with DEA.³

¹ See also Government's Motion for Summary Disposition, at 2.

² 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).

³ 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

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA) "upon a finding that the registrant . . . has had his 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. § 802(21)."). The Agency has applied these principles consistently. See, e.g., *James L. Hooper, M.D.*, 76 FR 71371, 71372 (2011), *pet. for rev. denied*, 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27616, 27617 (1978); *Scott Hansen, A.P.R.N.*, 90 FR 27338 (2025).⁴

Respondent, as of the date of this Order, is not authorized to prescribe controlled substances in Washington. Respondent may dispute this fact 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 Office of the Administrator, Drug Enforcement Administration, at dea.addo.attorneys@dea.gov.

⁴ 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 is no longer authorized to dispense controlled substances under the laws of the state in which he practices. See, e.g., *James L. Hooper, M.D.*, 76 FR at 71371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006);

According to Washington statute, "[a] practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession." Wash. Rev. Code § 69.50.308(j) (2025). Further, a "prescription" means "an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose." *Id.* at § 69.50.101(41). Finally, a "practitioner" as defined by Washington statute includes "[a] physician licensed to practice medicine and surgery." *Id.* at § 69.50.101(40)(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in Washington. As already discussed, an individual must be a licensed practitioner to dispense or prescribe a controlled substance in Washington. Thus, because Registrant lacks authority to practice medicine in Washington and, therefore, is not authorized to handle controlled substances in Washington, Registrant is not eligible to maintain a DEA registration in Washington. RD, at 7. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

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. BJ6418380 issued to Vida Janson, M.D. 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 Vida Janson, M.D., to renew or modify these registrations, as well as any other pending application of Vida Janson, M.D., for additional registration in Washington. This Order is effective November 25, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on October 19, 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

Dominick A. Ricci, M.D., 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.*, 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.*, 43 FR at 27617.

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. 2026–21799 Filed 10–23–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Barry Backiewicz, D.D.S.; Decision and Order

On April 7, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Barry Backiewicz, D.D.S., of Gahanna, Ohio (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BB2606436, alleging that Registrant's registration should be revoked because Registrant is "currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Ohio, the state in which [he is] registered with DEA." *Id.* at 2. (citing 21 U.S.C. 824(a)(3)).¹

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 2.² "A default,

unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC]." 21 CFR 1301.43(e).

Further, "[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67." *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 3; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on December 31, 2023, Registrant's Ohio dental license expired by its own terms. RFAAX 2, at 2. According to Ohio online records, of which the Agency takes official notice,³ Registrant's Ohio dental license is expired. eLicense Ohio Professional Licensure License Lookup, https://elicense.ohio.gov/oh_verifylicense (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice dentistry in Ohio, the state in which he is registered with DEA.⁴

pendency of the action.'" *Jones v. Flowers*, 547 U.S. 220, 226 (2006) (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.*, 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful); *Emilio Luna, M.D.*, 77 FR 4829, 4830 (2012) (same).

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).

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 Order, is not licensed to practice dentistry in Ohio. 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 Office of the Administrator, Drug Enforcement Administration, at dea.addo.attorneys@dea.gov.

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 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. 802(21)."). The Agency has applied these principles consistently. *See, e.g., Lawrence Rudolph, D.M.D.*, 89 FR 79310 (2024); *Henry-Norbert O. Ndekwe, M.D.*, 90 FR 15990 (2025); *Benson Sergiles, P.A.*, 90 FR 32016 (2025).⁵

According to Ohio statute, "[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog," except pursuant to a "prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose." Ohio Rev. Code § 2925.11(A), (B)(1)(d) (2025). Further, a "[l]icensed

⁵ This rule derives from the text of two provisions of the 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 is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Elias Garcia Garcia, P.A.*, 90 FR 31242 (2025); *Jason Weakley, R.N., A.P.R.N.*, 90 FR 10085 (2025); *Khursheed Haider, M.D.*, 90 FR 21950 (2025).

¹ According to Agency records, Registrant's registration expired on July 31, 2026. The fact that a registrant allows his registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.*, 84 FR 68474, 68476–79 (2019).

² Based on the Government's submissions in its RFAA dated July 21, 2026, the Agency finds that service of the OSC on Registrant was adequate. The RFAA's included Declaration from a DEA Diversion Investigator (DI) indicates that on or about April 9, 2026, the DI along with a second DI traveled to Registrant's registered address to attempt personal service of the OSC, which was unsuccessful. RFAAX 3, at 2. On the same date, the DI mailed a copy of the OSC to Registrant's registered address and emailed a copy of the OSC to Registrant's registered email address, which received successful delivery confirmation. *Id.* at 2–3; *see also id.*, Attachments B–D. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were "reasonably calculated, under all the circumstances, to apprise [Registrant] of the

health professional authorized to prescribe drugs' or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice." *Id.* § 4729.01(I). Ohio statute further defines an authorized prescriber as "[a] dentist licensed under Chapter 4715. of the [Ohio] Revised Code." *Id.* § 4729.01(I)(1). Additionally, Ohio law permits "[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice" to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* § 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant lacks authority to practice dentistry in Ohio. As discussed above, an individual must be a licensed health professional authorized to prescribe drugs in order to handle controlled substances in Ohio. Thus, because Registrant is not a licensed health professional authorized to prescribe drugs in Ohio, and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

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. BB2606436 issued to Barry Backiewicz, D.D.S. 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 Barry Backiewicz, D.D.S., to renew or modify this registration, as well as any other pending application of Barry Backiewicz, D.D.S., for additional registration in Ohio. This Order is effective November 25, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on October 19, 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. 2026–21725 Filed 10–23–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by Section 10 of the FACA.

DATES: The APB will meet in open session from 8:30 a.m. until 5:00 p.m. on December 09–10, 2026.

ADDRESSES: The meeting will take place at the Omni Oklahoma City Hotel, 100 Oklahoma City Blvd., Oklahoma City, OK 73109; telephone: 405–438–6500. The CJIS Division is offering a blended participation option that allows individuals to participate in person or to participate via a telephone bridge line. The public will be permitted to provide comments and/or questions related to matters of the APB prior to the meeting. Please see details in the supplemental information.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to the Advisory Process Management Office, Law Enforcement Engagement and Data Sharing Section; 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; email: *agmu@leo.gov*; telephone: 304–625–5263.

SUPPLEMENTARY INFORMATION: The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Law Enforcement Enterprise Portal, National Crime Information Center, Next Generation Identification, National Instant Criminal Background Check

System, National Data Exchange System, and Uniform Crime Reporting.

The meeting will be conducted with a blended participation option. The public may participate as follows: via phone bridge number to participate in a listen-only mode or in person. Participants attending in person are required to check-in at the meeting registration desk.

Registrations may be submitted via email to *agmu@leo.gov*. Information regarding the phone access will be provided prior to the meeting to all registered individuals. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO).

Any member of the public may file a written statement with the APB. Written comments shall be focused on the APB's issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. Nicky J. Megna, DFO, at least seven (7) days in advance of the meeting so the comments may be made available to the APB members for their consideration prior to the meeting.

Individuals requiring special accommodations should contact Mr. Megna by no later than December 02, 2026. Personal registration information will be made publicly available through the minutes for the meeting published on the FACA website.

Nicky J. Megna,

CJIS Designated Federal Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2026–21772 Filed 10–23–26; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0001]

Agency Information Collection Activities; Proposed Collection eComments Requested; Revision of a Previously Approved Collection; Application for Cancellation of Removal (Form EOIR–42A) for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status (Form EOIR–42B) for Certain Nonpermanent Residents

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Executive Office for Immigration Review (EOIR), Department

of Justice (DOJ)), will be submitting the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on August 20, 2026, 91 FR 53897, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 25, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Justine Fuga, Associate General Counsel, Office of the General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, telephone: (703) 305-0265, Justine.Fuga@usdoj.gov, eoir.pra.comments@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain.

Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number 1125-0001. This ICR may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice information collections currently under review by OMB. If you send a comment, please send a copy to Justine Fuga at Justine.Fuga@usdoj.gov or eoir.pra.comments@usdoj.gov.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Application for Cancellation of Removal for Certain Permanent Residents; and Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The agency form number is EOIR-42A and EOIR-42B, and the sponsoring DOJ component is EOIR.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals in removal proceedings before EOIR determined to be removable from the United States.

Abstract: An individual who is removable from the United States may, pursuant to section 240A of the Immigration and Nationality Act (“INA” or “Act”) (8 U.S.C. 1229b(a)), request that the Attorney General cancel their removal. To be granted such relief from removal, the applicant must prove that they meet all of the statutory prerequisites for such relief and that they are entitled to a favorable exercise of discretion. There are two forms available to apply for cancellation of removal: Form EOIR-42A, Application for Cancellation of Removal for Certain

Permanent Residents; and Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents. This information collection is necessary to determine the statutory eligibility of individuals in removal proceedings who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion by the adjudicating immigration judge.

EOIR is making some substantive changes to the forms to remove unnecessary collections of information. For both forms, Question 21 will be generalized to account for various visa types that may have been used by the applicant to enter the United States. Within Part 7 on both forms, EOIR is removing form fields collecting information about the applicant that is irrelevant to the immigration judge's exercise of discretion for each respective type of immigration relief. Additionally, EOIR is modifying Part 9 for both forms to collect the applicant's signature and affirmation at the time the form is filed.

EOIR is also making several non-substantive changes to the forms to: update electronic filing fee information; format text to improve organization, clarity, and readability; and revise the Advice to Applicants, Instructions, and corresponding form questions to mirror as closely as possible the text of the INA to accurately reiterate legal standards set forth by the Act.

5. *Obligation to Respond:* Required to obtain/retain the benefit of cancellation of removal.

6. *Total Estimated Number of Respondents:* It is estimated that 1,457 respondents will complete the form annually for Cancellation of Removal for Certain Permanent Residents (EOIR-42A) and that 13,787 respondents will complete the form annually for Cancellation of Removal and Adjustment of status for Certain Nonpermanent Residents (EOIR-42B).

7. *Estimated Time per Respondent:* The estimated time per respondent for each form is 5 hours and 50 minutes.

8. *Frequency:* Once a year.

9. *Total Estimated Annual Time Burden:* 8,492 hours for the EOIR-42A and 80,380 hours for the EOIR-42B.

10. *Total Estimated Annual Other Costs Burden:* The following represents the maximum total public cost burden estimated for each form.

TOTAL PUBLIC COST

Activity	Filing fee	Printing	Mailing	Practitioner assistance	Total annual responses	Total annual public cost
EOIR-42A	\$710 per response	\$0.70 per response	\$5 per response	\$84.84/hr × 5.83 hours per response = \$494.62 per response.	1,457	\$1,762,956
EOIR-42B	\$1,649 per response.	\$0.80 per response	\$5 per response	\$84.84/hr × 5.83 hours per response = \$494.62 per response.	13,787	29,509,956

Printing and postage costs associated with filing these forms may be avoided because all forms may be submitted electronically. The cost for practitioner assistance is based on the average hourly wage for an attorney as estimated by the Bureau of Labor Statistics. The estimated total public cost for each form is derived by adding the filing fee with the estimated costs for hiring a practitioner to assist with completing the form, printing the form, and mailing the form, and then multiplying by the total number of annual responses.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: October 22, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026-21775 Filed 10-23-26; 8:45 am]

BILLING CODE 4410-30-P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings

TIME AND DATE: The Legal Services Corporation (LSC) Board of Directors and its Finance and Audit committees will meet on Friday, October 30, 2026. The Finance Committee meeting will begin at 9:00 a.m. PT, followed by the Audit Committee. The Board of Directors meeting will begin at 1:45 p.m. PT. Each meeting will continue until the conclusion of its agenda.

PLACE: Public Notice of Hybrid Meeting. LSC will conduct its October 30, 2026, meetings at Davis Wright Tremaine LLP, 920 5th Ave #3300, Seattle, WA 98104, and virtually via videoconference.

Public Observation: Unless otherwise noted herein, the meetings will be open to public observation via LSC's YouTube channel: <https://www.youtube.com/@LegalServicesCorp/streams> or in person at Davis Wright

Tremaine. Members of the public wishing to observe the open meetings in person must register in advance by sending an email to updates@lsc.gov no later than 5:00 p.m. Pacific Time on Tuesday, October 27, 2026.

STATUS: Open, except as noted below.

Finance Committee—Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to discuss a policy regarding unrestricted funds and reserves, an investment policy, and next steps for the investment advisor RFP.

Audit Committee—Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to discuss follow-up work by the Office of Compliance and Enforcement relating to open Office of Inspector General investigations and to discuss grantee oversight activities.

Board of Directors—Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to receive briefings from Management and the Inspector General and to consider and act on potential and pending litigation involving LSC as well as a list of prospective Leaders Council and Emerging Leaders Council members.

Any portion of the closed sessions consisting solely of briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portions of the closed session.

A verbatim written transcript will be made of the closed sessions of the Finance Committee, Audit Committee, and Board of Directors. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6), (7), (9) and (10), will not be available for public inspection. A copy of the General Counsel's certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Meeting Schedule

Friday, October 30, 2026

Start Time (all PT)

1. Finance Committee Meeting

9:00 a.m. PT

a. Matters to be discussed include LSC's preliminary financial results for fiscal year 2026; the status of LSC's fiscal year 2027 appropriation; proposed fiscal year 2027 management and grant oversight budget; fiscal year 2028 budget request; and considering and acting on a policy approving unrestricted funds and reserves, a policy regarding investment, and funding of operating reserve.

2. Audit Committee Meeting

10:45 a.m. PT

a. Matters to be discussed include an update on the scope and plan for LSC's forthcoming annual financial audit; a briefing by the Office of Inspector General; a briefing on LSC's efforts to ensure that LSC employees and grantees act ethically and safeguard LSC funds; a management update regarding risk management; and follow-up by the Office of Compliance and Enforcement on referrals by the Office of Inspector General regarding audit reports and annual financial statement audits of grantees.

3. Board of Directors Meeting

1:45 p.m. PT

a. Matters to be discussed include Chairman's Report; Members' Reports; President's Report; Inspector General's Report; the fall 2027 Board meeting location; and reports from the Governance and Performance Review, Operations and Regulations, Delivery of Legal Services, Institutional Advancement, Finance, and Audit committees.

PUBLIC COMMENT: Interested parties wishing to provide public comment during the open sessions of the Audit Committee or Board of Directors meetings must notify LSC in advance by

sending an email to updates@lsc.gov no later than 5:00 p.m. Pacific Time on Tuesday, October 27, 2026.

CONTACT PERSON FOR MORE INFORMATION: Kimberly Little, Board and Executive Coordinator, at (202) 295–1500.

Questions may also be sent by electronic mail to the Office of the Corporate Secretary at updates@lsc.gov.

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at <https://www.lsc.gov/about-lsc/board-meeting-materials>.

(Authority: 5 U.S.C. 552b.)

Dated October 21, 2026.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2026–21749 Filed 10–22–26; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES

National Endowment for the Arts

Senior Executive Service (SES) Performance Review Board; Notice of Membership

AGENCY: National Endowment for the Arts.

ACTION: Notice of Membership of the Senior Executive Service (SES) Performance Review Board (PRB).

SUMMARY: This notice announces the appointment of members to the Performance Review Board (PRB) for the National Endowment for the Arts (NEA). The PRB is responsible for reviewing the performance appraisals of Senior Executive Service (SES) members and making recommendations regarding performance ratings, pay adjustments, and bonuses to ensure consistency, fairness, and adherence to Office of Personnel Management (OPM) regulations and agency policies.

DATES: Effective October 13, 2026.

ADDRESSES: Written comments must be submitted to National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506 within 30 days from the date of this publication in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Linda Williams, Director, Office of Human Resources, National Endowment for the Arts (202) 682–5527 or by email at williams@arts.gov.

SUPPLEMENTARY INFORMATION: 4314 (c)(1) through (5) of Title 5, U.S.C., requires

each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

The following people have been selected to serve on the Performance Review Board of the National Endowment for the Arts (NEA):

Tony Chauveaux, Deputy Chair for Programs & Partnerships, NEA
Sunil Iyengar, Director, Research & Analysis, NEA
Valencia Rainey, General Council, NEA

Dated: October 22, 2026.

RaShaunda Thomas,

Director (Acting), Office of Administrative Services and Contracts, National Endowment for the Arts.

[FR Doc. 2026–21823 Filed 10–23–26; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the U.S. National Science Foundation (NSF) announces the following meeting:

Name and Committee Code:

Astronomy and Astrophysics Advisory Committee (13883) (Hybrid).

Date and Time: November 23, 2026, 10 a.m.–5 p.m. eastern time.

Place: NSF 401 Dulany Street, Alexandria, VA 22314 (Hybrid).

Members and the public may attend this meeting virtually via Zoom. Attendance information for the meeting will be forthcoming on the AAAC website <https://www.nsf.gov/mps/ast/aaac.jsp>.

Registration for the Zoom virtual meeting can be accessed via the following link https://nsf.zoomgov.com/webinar/register/WN_kbxBRLN1QCSTbFGōQe4sJQ.

Type of Meeting: Open.

Contact Persons: Dr. Louise Edwards, Program Director, Division of Astronomical Sciences, National Science Foundation, 401 Dulany Street, Alexandria, VA 22314; Telephone: 703–292–7597.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space

Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies. To prepare the annual report.

Agenda: To provide advice and recommendations to the NSF, NASA and DOE on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies. To prepare the annual report.

Date: October 22, 2026.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2026–21813 Filed 10–23–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0677]

Regulatory Guide: Acceptability of ASME OM–2 Code, Component Testing Requirements at Nuclear Facilities

AGENCY: Nuclear Regulatory Commission

ACTION: Direct final guide; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of August 18, 2026, for Revision 0 of Regulatory Guide (RG) 1.220, “Acceptability of ASME OM–2 Code, Component Testing Requirements at Nuclear Facilities.” The RG was noticed in the *Federal Register* on June 4, 2026, with a follow up Correction to the Notice, published on June 22, 2026, stating the effective date of August 18, 2026. This new RG endorses, with a regulatory position, the American Society of Mechanical Engineers (ASME) Operation and Maintenance OM–2 Code, Component Testing Requirements at Nuclear Facilities, 2024 Edition, and describes an approach that is acceptable to the NRC staff for the development and implementation of an Inservice Testing (IST) Program for all types of nuclear facilities.

DATES: The effective date of August 18, 2026, for the direct final RG 1.220, Revision 0, published on June 4, 2026 (91 FR 33770), as corrected on June 22, 2026 (91 FR 37152), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2025–0677 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search

for Docket ID NRC–2025–0677. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov.

- **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.

RG 1.220, Revision 0, and the Regulatory Analysis, may be found in ADAMS under Accession Nos. ML25329A088 and ML25329A089, respectively. RGs are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Thomas Scarbrough, Office of Nuclear Reactor Regulation, telephone: 301–415–2794; email: Thomas.Scarbrough@nrc.gov and Amir Mobasheran, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–8112; email: Amir.Mobasheran@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: The NRC published direct final RG 1.220, Revision 0, to endorse, with a regulatory position, the American Society of Mechanical Engineers (ASME) Operation and Maintenance OM–2 Code, *Component Testing Requirements at Nuclear Facilities*, 2024 Edition. The **Federal Register** notice for the direct final RG was published on June 4, 2026 (91 FR 33770), with a correction published on June 22, 2026 (91 FR 37152). This direct final RG became effective as scheduled, on August 18, 2026, and does not require revision as no significant adverse comments were received.

Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the "Regulatory Guide" series.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: October 22, 2026.

For the Nuclear Regulatory Commission.

Nicholee Valentine,

Chief, Guidance and Publication Branch, Division of Guidance, Rulemaking, Economic Analysis, and Technical Editing, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–21781 Filed 10–23–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Week of October 19, 2026.

PLACE: Via Teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Week of October 19, 2026

Thursday, October 22, 2026

11:45 a.m. Affirmation Session (Public Meeting) (Tentative); Global Laser Enrichment, LLC (Paducah Laser Enrichment Facility); Appeal of LBP–26–7 (Denial of Petition to Intervene and Request for Hearing) (Tentative); (Contact: Wesley Held: 301–287–3591)

Additional Information: By a vote of 5–0 on October 22, 2026, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 10 CFR 9.107 this item be affirmed with less than one week notice to the public. This item will be affirmed in the meeting being held on October 22, 2026. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode can be found at <https://www.nrc.gov/pmns/mtg>.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please contact the Reasonable Accommodations Resource by email at ReasonableAccommodations.Resource@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: October 22, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–21776 Filed 10–22–26; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2027–16 and K2027–17]

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)*: MC2027–16 and K2027–17; *Filing Title*: USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1115, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 21, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,
Legal Assistant.

[FR Doc. 2026–21782 Filed 10–23–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106714; File No. SR–CboeEDGA–2026–036]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Update the Definition of Trading Platform

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on October 19, 2026, Cboe EDGA Exchange, Inc. (the “Exchange” or “EDGA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the “Exchange” or “EDGA”) proposes to amend its Fee Schedule to update the definition of “Trading Platform.” The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/edga/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the definition of “Trading Platform” set forth in the Definitions section of its Fee Schedule.³ The existing definition enumerates three categories of execution venue—a registered National Securities Exchange, an Alternative Trading System, and an Electronic Communications Network. The Exchange now seeks to amend this definition to add a functional, use-based category—namely, any other system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity—so that the term also captures other systems that

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.

³ The Exchange initially submitted the proposed rule change on September 1, 2026 (SR–CboeEDGA–2026–027). On October 19, 2026, the Exchange withdrew that filing and submitted this proposal.

perform a functionally equivalent execution function. The amended definition identifies, as non-exhaustive examples, a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment.⁴ The current and proposed amended definitions are set forth below.

Current Definition: “A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), or an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS).”

Proposed Amended Definition: “A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS), or any other system, facility, or platform (including but not limited to a broker crossing system not filed as an ATS, a systematic internalization system, or a decentralized blockchain-based or tokenized environment) through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity.”

The change is intended to capture changes in the evolving landscape of market structure and trading technology, including the increasing use of functionally equivalent execution systems that operate outside the three enumerated categories. For example, under the current definition, a platform operated as or by a registered National Securities Exchange, an Alternative Trading System, or an Electronic Communications Network plainly constitutes a Trading Platform and is thus subject to the applicable fees associated with a Trading Platform.⁵

⁴ The Exchange notes that its proposed definition is similar to NYSE's Category 3 of Non-Display Use which is intended to apply to trading platforms. NYSE states in its policies that “This category applies to use in trading platform(s), such as, but not restricted to, alternative trading systems (ATSs), broker crossing networks, broker crossing systems not filed as ATSs, dark pools, multilateral trading facilities, exchanges and systematic internalization systems.” See NYSE_Market_Data_Complete_Policy_Package.pdf.

⁵ For example, a Trading Platform is subject to a fee of \$2,000/month for EDGA Depth for Non-

However, a functionally equivalent system that performs the same execution function—such as a single-dealer platform that internalizes and/or facilitates execution of client order flow, or a decentralized or tokenized execution venue—is not expressly named in the current enumerated categories, despite performing the same execution function as the enumerated venues. To facilitate more consistent and equitable outcomes across functionally equivalent venues, the Exchange proposes to add this language so that “Trading Platform” better covers the intended scope of execution venues.

The new framework operates as a functional, use-based standard. It reaches any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, regardless of the execution model employed. The definition expressly covers both (i) systems that match third-party orders against one another and (ii) systems in which the operator or its affiliate executes third-party orders in a principal trading capacity. Accordingly, a single-dealer platform that internalizes and/or facilitates execution of client order flow falls within the definition on its face. The parenthetical examples—a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment—are illustrative only and the amended definition is not intended to limit the scope of the broader category. The requirement that orders be “systematically executed by electronic means” distinguishes covered systems from manual, negotiated, or voice-brokered bilateral trading.

The amended definition is intended to capture emerging technologies and execution venues that are functionally analogous to venues with established regulatory definitions—including tokenized order books or decentralized execution protocols, to the extent they perform or support an execution function, and other novel platforms. These venues operate in a manner similar to defined legacy execution platforms and should be treated as such. The examples set out in the definition—broker crossing systems not filed as ATSs, systematic internalization systems, and decentralized blockchain-based or tokenized environments—as well as the references to single-dealer platforms in this filing, are illustrative of this approach, not an exhaustive list,

Display Usage, while a non-Trading Platform is subject to a fee of \$1,000/month for this. See EDGA Equities Fee Schedule.

and the definition applies to any system through which third-party orders are systematically executed by electronic means, regardless of label.

The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity as to the scope of “Trading Platform,” with new and emerging execution technologies in mind. The Exchange notes that this update better aligns itself with the ongoing evolution of market structure and industry practice.⁶

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁷ Specifically, the Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁸ 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed definition change 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 change is intended to capture changes in the evolving landscape of market structure and trading technology, and to ensure that the term “Trading Platform” is applied consistently and comprehensively to functionally equivalent execution systems, regardless of the underlying technology or business model. As noted above, the amended definition is intended to reach any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching or by principal execution by the operator or its affiliate—including, for example, a single-dealer platform that internalizes order flow, as well as decentralized or tokenized execution venues. A definition that excluded single-dealer platforms on the basis of their bilateral structure would draw an arbitrary line

⁶ See *supra* note 2.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4).

⁹ 15 U.S.C. 78f(b)(5).

between venues that use market data in the same way. Applying the definition on a consistent, function-based basis to all functionally analogous venues, legacy and emerging alike, ensures equal treatment and avoids selective application. By ensuring that similar venues are treated alike, the proposed definition supports the equitable allocation of fees and avoids disparate treatment of functionally equivalent venues that do not meet an existing definition. The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity on the platforms that should be covered under the definition, with new and emerging trading technologies in mind.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is grounded in the Exchange's efforts to compete more effectively (e.g., by updating its definition of Trading Platform to conform with changes in the industry).¹⁰ As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intramarket competition, as the revised definition applies uniformly to all market participants that meet the definition of Trading Platform, regardless of their specific business model or the technology employed by the execution venue.

Further, the proposed change to update the Trading Platform definition does not create an unnecessary or inappropriate inter-market burden on competition because it merely updates the Exchange's definitions to ensure consistency with the evolving technological landscape. Indeed, this proposal ensures that the Exchange's Fee Schedule accurately reflects the current scope of execution venues. The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition.

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 Act¹¹ and paragraph (f) of Rule 19b-4¹² 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-CboeEDGA-2026-036 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CboeEDGA-2026-036. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should

submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGA-2026-036 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-21746 Filed 10-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106718; File No. SR-CboeBZX-2026-085]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Annual Listing Fees Applicable to Exchange-Traded Products Listed on the Exchange, Which Are Set Forth in BZX Rule 14.13(b)(2)(E), To Eliminate the Annual Listing Fee Applicable to Legacy Listings

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 8, 2026, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, 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. ("BZX" or the "Exchange") is filing with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend the annual listing fees applicable to exchange-traded products listed on the Exchange, which are set forth in BZX Rule 14.13(b)(2)(E), to eliminate the annual listing fee applicable to Legacy Listings. The text of the proposed rule change is provided in Exhibit 5.

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹⁰ See supra note 2.

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

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing and delisting of companies on the Exchange,³ which it modified on February 8, 2012 in order to adopt pricing for the listing of exchange-traded products ("ETPs")⁴ on the Exchange.⁵ Effective January 1, 2019, the Exchange amended Rule 14.13 to adopt annual listing fees for ETPs, including a reduced annual listing fee of \$4,000 for ETPs listed on the Exchange prior to January 1, 2019 (a "Legacy Listing").⁶ Rule 14.13(b)(2)(E) now sets forth the annual listing fee structure for ETPs, which distinguishes among ETPs based on, among other things, the date on which an ETP first listed on the Exchange. The Exchange proposes to amend Rule 14.13(b)(2)(E) to eliminate the \$4,000 annual listing fee currently applicable to Legacy Listings.

Currently, Rule 14.13(b)(2)(E) provides that the issuer of each class of securities (not otherwise identified in Rule 14.13) that is a domestic or foreign issue listed on the Exchange as an ETP

shall pay an annual listing fee to the Exchange, and that an issuer will be charged the lowest applicable fee among the categories set forth in Rule 14.13(b)(2)(E)(i) through (vi). Rule 14.13(b)(2)(E)(i) currently provides: "[w]here an ETP was listed on the Exchange prior to January 1, 2019 (a 'Legacy Listing') or is a Transfer Listing, such ETP will have an annual listing fee of \$4,000." Rule 14.13(b)(2)(E) also provides for an annual listing fee of \$4,500 for a New Listing; a collective maximum annual listing fee of \$16,000 for a series of Outcome Strategy ETPs or a series of Defined Distribution Strategy ETPs; and an annual listing fee of \$9,000 for an ADR Hedge.⁷ Under Rule 14.13(b)(2)(E)(vi), an ETP that is not a Legacy Listing, a New Listing, an Outcome Strategy ETP, a Defined Distribution Strategy ETP, an ADR Hedge, or a Transfer Listing is subject to an annual listing fee based on the consolidated average daily volume ("CADV") of the ETP in the fourth quarter of the preceding calendar year, ranging from \$5,000 for an ETP with CADV greater than 1,000,000 shares to \$7,000 for an ETP with CADV of 0–10,000 shares.

The Exchange proposes to delete the Legacy Listing category from Rule 14.13(b)(2)(E)(i), such that the \$4,000 annual listing fee would apply only to Transfer Listings. The Exchange also proposes to make a conforming change to Rule 14.13(b)(2)(E)(vi) to delete the reference to a Legacy Listing. As a result, an ETP listed on the Exchange prior to January 1, 2019 would no longer qualify for the \$4,000 annual listing fee by virtue of its initial listing date, and would instead be charged the lowest applicable annual listing fee for which it otherwise qualifies under Rule 14.13(b)(2)(E), including the CADV-based fees set forth in Rule 14.13(b)(2)(E)(vi). The proposed rule change does not amend the annual listing fees applicable to Transfer Listings, New Listings, Outcome Strategy ETPs, Defined Distribution Strategy ETPs, or ADR Hedges, or the CADV-based fees set forth in Rule 14.13(b)(2)(E)(vi).

The Legacy Listing category was designed to preserve a reduced annual listing fee for ETPs that were already listed on the Exchange when the Exchange adopted its current annual listing fee structure. More than seven years have passed since January 1, 2019, and the Exchange believes that it is no longer appropriate to differentiate the annual listing fee applicable to an ETP

based solely on whether the ETP first listed on the Exchange before or after that date. Rather, the Exchange believes that all ETPs listed on the Exchange should be subject to the same objective criteria in determining the applicable annual listing fee, namely the characteristics of the product and its trading activity, as reflected in Rule 14.13(b)(2)(E)(ii) through (vi). Transfer Listings would continue to be eligible for the \$4,000 annual listing fee, as the Exchange continues to believe that such fee is an appropriate incentive for issuers to transfer the listing of existing ETPs to the Exchange.

The Exchange will implement the proposed change beginning with the annual listing fees assessed for calendar year 2027. Unless otherwise specified, the Exchange assesses all annual fees set forth in Rule 14.13(b)(2) upon initial listing and in the first quarter of the calendar year.⁸ Accordingly, the proposed change will not affect any annual listing fee already assessed for calendar year 2026, and affected issuers will have notice of the proposed change in advance of the assessment of annual listing fees for calendar year 2027.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,⁹ in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),¹⁰ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its issuers, and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed elimination of the Legacy Listing category from Rule 14.13(b)(2)(E) is reasonable because it will subject all ETPs listed on the Exchange to the same objective criteria for determining the applicable annual listing fee, based on the characteristics of the product and its trading activity, rather than on the date on which the ETP first listed on the Exchange. The Exchange believes that a distinction based solely on whether an ETP listed on the Exchange prior to January 1, 2019 is no longer warranted given the passage of time since the Exchange adopted its current annual listing fee structure. Further, the annual listing fees that will apply to former Legacy Listings are the same fees that currently apply to all other ETPs listed on the Exchange that are not Transfer

³ See Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR-BATS-2011-018).

⁴ As set forth in Rule 14.13(b)(1)(B)(v), the term "ETP" includes all securities set forth in Rule 14.11.

⁵ See Securities Exchange Act Release No. 66422 (February 17, 2012), 77 FR 11179 (February 24, 2012) (SR-BATS-2012-010).

⁶ See Securities Exchange Act Release No. 83597 (July 5, 2018), 83 FR 32164 (July 11, 2018) (SR-CboeBZX-2018-046).

⁷ See Rule 14.13(b)(2)(E)(ii)–(v).

⁸ See Rule 14.13(b)(2)(K).

⁹ 15 U.S.C. 78f.

¹⁰ 15 U.S.C. 78f(b)(4) and (5).

Listings, which the Exchange believes remain reasonable.

The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because it will apply uniformly to all issuers of ETPs listed on the Exchange. Upon implementation, each ETP listed on the Exchange, regardless of its initial listing date, will be charged the lowest applicable annual listing fee for which it qualifies under Rule 14.13(b)(2)(E). The Exchange believes that continuing to provide the \$4,000 annual listing fee to Transfer Listings is equitable and not unfairly discriminatory because the Transfer Listing fee is available to any issuer that transfers the listing of an ETP from another national securities exchange to the Exchange, and is designed to attract additional listings to the Exchange, which the Exchange believes will enhance competition among listing venues.

Furthermore, the marketplace for listings is extremely competitive and there are several other national securities exchanges that offer ETP listings. Transfers between listing venues occur frequently for numerous reasons, including listing fees. Issuers of ETPs, including issuers of ETPs that are currently Legacy Listings, may transfer their listings to another venue if they deem the Exchange's listing fees excessive. The proposed rule change reflects a competitive pricing structure, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors.

Based on the foregoing, the Exchange believes that the proposed rule changes are consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will burden intramarket competition because the annual listing fees set forth in Rule 14.13(b)(2)(E), as amended, will apply uniformly to all issuers of ETPs listed on the Exchange, without regard to the date on which an ETP first listed on the Exchange. The Exchange does not believe that the proposed rule change will burden intermarket competition because the market for ETP listings is highly competitive, and issuers may transfer the listing of an ETP to another national securities exchange if they deem the Exchange's listing fees excessive. The proposed rule change is

a competitive pricing decision that reflects the Exchange's determination to apply consistent, objective criteria to all ETPs listed on the Exchange.

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 Act¹¹ and paragraph (f) of Rule 19b-4¹² 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-2026-085 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-2026-085. 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-2026-085 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106719; File No. SR-CboeEDGX-2026-068]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 14.1 Regarding Information Circular Requirements

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 9, 2026, Cboe EDGX Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. ("EDGX" or the "Exchange") is filing with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to: (1) amend Rule 14.1(a) to add express cross-references to Rules 3.7 and 3.21; (2) delete current Rule 14.1(c)(1) in its entirety, thereby removing the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

Derivative Security³ that generally includes the same information as contained in the information circular approved by the listing exchange; (3) amend current Rule 14.1(c)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities; (4) renumber current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), respectively; and (5) make a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/edgx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to: (1) amend Rule 14.1(a) to add express cross-references to Rules 3.7 and 3.21; (2) eliminate the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP Derivative Security that generally includes the same information as contained in the information circular provided by the listing exchange as provided in current Rule 14.1(c)(1) by deleting Rule 14.1(c)(1) in its entirety; (3) amend current Rule 14.1(c)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or

prepared by the open-ended management company issuing such securities;⁴ (4) renumber current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), respectively; and (5) make a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2). The proposal is based on Cboe BZX Exchange, Inc. ("BZX") Rule 14.11(j).⁵

Rule 14.1(c) governs the trading of UTP Derivative Securities on the Exchange—securities listed on another national securities exchange that trade on the Exchange pursuant to unlisted trading privileges ("UTP"). Under current Rule 14.1(c)(1), the Exchange must distribute an information circular prior to the commencement of trading in each UTP Derivative Security that generally mirrors the information circular issued by the primary listing exchange, including: (a) the special risks of trading the Derivative Security; (b) the Exchange Rules that will apply to the Derivative Security, including Rule 3.7; (c) information about the dissemination of the value of the underlying assets or indexes; and (d) the risk of trading during the Early Trading Session (7:00 a.m.—8:00 a.m. Eastern Time), Pre-Opening Session (8:00 a.m.—9:30 a.m. Eastern Time) and the Post-Closing Session (4:00 p.m.—8:00 p.m. Eastern Time) due to the lack of calculation or dissemination of the intra-day indicative value or a similar value. The Exchange proposes to delete Rule 14.1(c)(1) in its entirety.

The information circular requirement is unnecessary because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce. Members have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes.⁶ The Exchange's issuance of a separate, duplicative circular therefore serves no independent investor protection function. The existing Member-level suitability and customer disclosure obligations under Rules 3.7 and 3.21 continue to apply

independently of the information circular requirement.

The Exchange also proposes to amend Rule 14.1(a) to add express cross-references to Rule 3.7 (Recommendations to Customers) and Rule 3.21 (Customer Disclosures). The Exchange is adding express cross-references to those rules in Rule 14.1(a) to enhance their visibility in the context of UTP Derivative Securities. These rules already apply to Members by operation of the Exchange's rulebook. The cross-references are intended to make the applicable framework explicit in the context of UTP Derivative Securities. Rule 3.7 independently requires Members to ensure that any recommendation of a UTP Derivative Security is suitable for the customer based on the customer's investment profile, a standing obligation that applies regardless of whether the Exchange has issued a product-specific information circular. Similarly, Rule 3.21 independently requires Members, before accepting an order from a customer for execution in the Early Trading, Pre-Opening or Post-Closing Trading Session, to disclose to such customer that extended hours trading involves material trading risks, including the possibility of lower liquidity, high volatility, changing prices, unlinked markets, an exaggerated effect from news announcements, wider spreads and any other relevant risk, and this obligation is not contingent on the Exchange's issuance of a product-specific information circular.

Because current Rule 14.1(c)(1) has historically served as the mechanism through which the Exchange satisfies the notification obligation under current Rule 14.1(c)(2)(B), deletion of Rule 14.1(c)(1) necessitates a conforming amendment to current Rule 14.1(c)(2)(B). The Exchange proposes to amend current Rule 14.1(c)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities. The Exchange will notify Members by information circular that such written description will only be required when mandated by the listing exchange. This amendment is consistent with the broader purpose of the proposed rule change: where the listing exchange's information circular already provides Members with the information necessary to assess a UTP Derivative Security, a duplicative written description obligation serves no independent investor protection function. Members may rely on the

⁴ As further described below, the Exchange will notify Members of the written description requirement under Rule 14.1(c)(2)(B) by means of an information circular. Such written description will only be required when required by the listing exchange.

⁵ See Securities Exchange Act Release No. 105715 (June 17, 2026) 91 FR 37477 (June 23, 2026) (SR-CboeBZX-2026-054).

⁶ Such information circulars are generally available on the primary listing market's website.

³ See Exchange Rule 1.5(ee).

listing exchange's information circular in the same manner and to the same effect.

Finally, the Exchange proposes to renumber current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), respectively, and to make a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2).

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.⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ 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)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed deletion of current Rule 14.1(c)(1) is consistent with the Act because the primary listing exchange's information circular already provides Members with the same disclosures that the Exchange's information circular would contain. The investor protection functions historically served by the information circular requirement are independently addressed through the primary listing exchange's information circular and the Member-level obligations imposed by Rules 3.7 and 3.21, to which the Exchange proposes to add express cross-references in Rule 14.1(a). The proposed amendment to current Rule 14.1(c)(2)(B) ensures that where a written description is required, it is provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, thereby aligning the Exchange's requirements with those of

the primary listing market. The Exchange will further notify Members by information circular that such written description will only be required when mandated by the listing exchange, ensuring that no duplicative obligation is imposed where the listing exchange has not determined one to be warranted. The renumbering of current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), and the conforming amendment to Interpretations and Policies .01 updating the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2), are ministerial. Additionally, as discussed above, the proposal does not raise any novel issues not previously considered by the Commission. For these reasons, the Exchange believes the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change: (1) adds express cross-references to Rules 3.7 and 3.21 in Rule 14.1(a), which does not impose any new obligations on Members; (2) eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue by deleting current Rule 14.1(c)(1); (3) aligns the written description obligation under current Rule 14.1(c)(2)(B) with the primary listing market's requirements; (4) renumbers current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4); and (5) makes a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2), which is ministerial. The proposed rule change does not alter the terms or conditions under which UTP Derivative Securities may be traded on the Exchange, impose any new requirements on Members, or affect the ability of any market participant to access the Exchange's markets. Members will continue to have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes as the Exchange's information circular. The proposed amendment to current Rule 14.1(c)(2)(B) aligns the written description obligation with the primary listing market's requirements and does not impose any burden on Members beyond what the primary listing market itself requires. Accordingly, the Exchange does not believe the proposed rule change imposes any burden on

competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6)¹¹ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹² and Rule 19b-4(f)(6)¹³ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁴ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁵ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce.¹⁶ The Exchange also notes that the proposed rule change does not alter the terms or conditions under which UTP Derivative

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6)(iii).

¹⁶ The Exchange represents that such information circulars are generally available on the primary listing market's website. See *supra* note 6.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

Securities may be traded on the Exchange. For these reasons, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2026-068 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CboeEDGX-2026-068. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2026-068

¹⁷ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-21744 Filed 10-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106710; File No. SR-NYSETEX-2026-37]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 7.18, 7.35(a)(8)(A), and 7.35(f) Regarding Trading Halts

October 21, 2026.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("Act") ² and Rule 19b-4 thereunder, ³ notice is hereby given that, on October 7, 2026, the NYSE Texas, Inc. ("NYSE Texas" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.18 ("Trading Halts") regarding Initial Listing Regulatory Halts, Rule 7.35(a)(8)(A) regarding the definition of "Auction Reference Price" for a Trading Halt Auction, and Rule 7.35(f) regarding IPO Auctions. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text

of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Texas, Inc. ("NYSE Texas" or the "Exchange") proposes to amend Rule 7.18 ("Trading Halts") regarding Initial Listing Regulatory Halts, Rule 7.35(a)(8)(A) regarding the definition of "Auction Reference Price" for a Trading Halt Auction, and Rule 7.35(f) regarding IPO Auctions.

Background

Rule 7.18(b)(1)(B) lists the types of discretionary regulatory halts the Exchange may declare, including, at subparagraph (i), an "Initial Listing Regulatory Halt."

The Initial Listing Regulatory Halt was first adopted in 2018 on the Exchange's affiliate exchange, the New York Stock Exchange LLC ("NYSE"), as NYSE Rule 123D(d).⁴ The text of that rule stated, in pertinent part, that the Exchange "may declare a regulatory halt in a security that is the subject of an initial pricing on the Exchange of a security that has not been listed on a national securities exchange . . . immediately prior to the initial pricing."⁵ NYSE's Rule 19b-4 filing in support of the rule specified that the purpose of the rule change was to "provide authority to declare a regulatory halt for a new listing that is not the subject of an IPO."⁶ In its order granting approval of the rule, the Commission noted that the rule "should facilitate the initial opening . . . of certain securities not listed in connection with an underwritten IPO"⁷

⁴ See Securities Exchange Act Release No. 82627 (February 2, 2028), 83 FR 5650 (February 8, 2018) (SR-NYSE-2017-30) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of Proposed Rule Change as Modified by Amendment No. 3).

⁵ See NYSE Rule 123D(d) (SR-NYSE-2017-30 version).

⁶ See NYSE Form 19b-4 in support of SR-NYSE-2017-30, available at <https://www.nyse.com/publicdocs/nyse/markets/nyse/rule-filings/filings/2017/NYSE-2017-30,%20a.m.%203.pdf> ("Proposed Rule 123D(d) would provide authority for the Exchange to declare a regulatory halt for a security that is having its initial listing on the Exchange, is not an IPO, and has not been listed on a national securities exchange . . . prior to the initial pricing.").

⁷ See *supra* note 4, 83 FR at 5655.

¹⁸ 17 CFR 200.30-3(a)(12) and (59).

¹⁵ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

The Exchange adopted the Initial Listing Regulatory Halt as part of a reorganization of Rule 7.18 (“Trading Halts”) in August 2026.⁸ Rule 7.18(b)(1)(B)(1) defines the Initial Listing Regulatory Halt as “of a security that is the subject of an initial pricing on the Exchange that has not been listed on a national securities exchange immediately prior to initial pricing.”⁹ Proposed Change to Rule 7.18(b)(1)(B)(i)

The Exchange proposes to amend the text of Rule 7.18(b)(1)(B)(i) to explicitly specify that the Initial Listing Regulatory Halt does not apply to corporate securities that are subject to an IPO. The Exchange believes that the transparency and clarity of the rule would be enhanced by specifying that the Exchange may declare an Initial Listing Regulatory Halt if a security is the subject of an initial pricing on the Exchange, “except for (a) IPOs in equity securities that are not derivative security products, or (b) securities that are listed on a national securities exchange immediately prior to initial pricing.” Because both these exceptions are covered by the existing rule, the proposed change is not substantive, but rather clarifying in nature.

Proposed Changes to Rule 7.18(b)(5)(B)(v), Rule 7.35(a)(8)(A), and Rule 7.35(f)

Rule 7.18(b)(5)(B)(v) describes how the Exchange will resume trading after an Initial Listing Regulatory Halt. The current rule text provides that the Exchange “will resume trading after an Initial Listing Regulatory Halt when the security is open for trading,” but does not specify the mechanism by which the security will reopen.

The Exchange proposes to amend Rule 7.18(b)(5)(B)(v) to provide that “[t]he Exchange will resume trading after an Initial Listing Regulatory Halt with a Trading Halt Auction, except that an ETP New Issue as defined in Rule 7.35(f) will (a) reopen after 9:30 a.m. ET with an IPO Auction, or (b) if the issuer elects, at or after 7:00 a.m. ET with a Trading Halt Auction.”

The proposed change to the first clause is not substantive. Currently, trading after an Initial Listing Regulatory Halt generally reopens with a Trading Halt Auction,¹⁰ which is the default process described in Rule

7.18(b)(5)(B).¹¹ Adding reference to a Trading Halt Auction in the base clause of Rule 7.18(b)(5)(B)(v) would add specificity without making any substantive change.

Similarly, proposed clause (v)(a) is also a non-substantive change, because it is already provided for in the Exchange’s rules. Rule 7.35(f) currently provides that an “ETP IPO Security” will participate in an IPO Auction during the Core Trading Session (*i.e.*, after 9:30 a.m. ET) on its first day of trading. The Exchange proposes to reference that rule in Rule 7.18(b)(5)(B)(v) to enhance the transparency and specificity of the rule. Concurrently with this change, the Exchange proposes to replace the term “ETP IPO Security” in current Rule 7.35(f) with “ETP New Issue,” which more accurately describes the initial listing of an ETP security on the Exchange. The term “ETP New Issue” would also be used in the proposed revision of Rule 7.18(b)(5)(B)(v), as indicated above.

Regarding proposed clause (v)(b), the Exchange recently amended Rule 7.35(f) to add that the issuer of an ETP IPO Security (*i.e.*, ETP New Issue) may elect to commence trading in the Early Trading Session (which commences at 7:00 a.m. ET) with an Early Open Auction.¹² The Exchange proposes to amend Rule 7.35(f) to conduct a Trading Halt Auction to open an ETP New Issue in the Early Trading Session and to reflect that change in the proposed clause (v)(b) of Rule 7.18(b)(5)(B).

This change is necessary in connection with the implementation of 23/5 Trading, under which trading on the Exchange will commence each day at 9:00 p.m. ET. Under that model, the Exchange could not conduct a 7:00 a.m. ET auction to open an ETP New Issue without first issuing a regulatory halt to prevent the security from trading beginning at 9:00 p.m. ET. The Exchange, however, cannot operationally support commencement of trading in a security subject to a regulatory halt through an Early Open Auction and instead must use a Trading Halt Auction. Accordingly, the Exchange proposes to replace the reference in Rule 7.35(f) to “Early Open Auction” with “Trading Halt Auction” and include the reference to “Trading Halt Auction” in Rule 7.18(b)(5)(B)(v).

¹¹ Rule 7.18(b)(5)(B) provides: “The Exchange will resume trading after a Regulatory Halt other than a SIP Halt with a Trading Halt Auction pursuant to Rule 7.35, except as provided below. . . .”

¹² See Securities Exchange Act Release No. 105996 (July 28, 2026), 91 FR 48457 (July 31, 2026) (SR-NYSETEX-2026-29).

Substantively, a Trading Halt Auction differs from an Early Open Auction because it is conducted following a regulatory halt and is therefore subject to auction protections and pricing parameters, including, where applicable, auction collars. Pursuant to Rule 7.35(e)(5) and (6), if, at 7:00 a.m. ET, the Indicative Match Price is below (above) the Lower (Upper) Auction Collar, the Exchange will not conduct the Trading Halt Auction but will instead extend the time of the auction in increments of five minutes until the Trading Halt Auction can occur at the Indicative Match Price. As a result, as proposed, the timing of the Trading Halt Auction for an ETP New Issue may be at or slightly after 7:00 a.m. ET.

As part of this change, the Exchange proposes to amend the definition of “Auction Reference Price” for Trading Halt Auctions in Rule 7.35(a)(8)(A). The rule currently provides that the Auction Reference Price for a Trading Halt Auction will be “[t]he price of the last consolidated trade of at least one round lot of that trading day and, if none, the prior trading day’s Official Closing Price (except as provided for in Rule 7.35–E(e)(7)(A)).”¹³ An ETP New Issue would not have traded the prior day and would not have a prior trading day’s Official Closing Price, but it is customary for ETP issuers to provide exchanges with a value to use in place of that Official Closing Price (sometimes referred to as a “Seeding NAV”). Accordingly, to account for the opening of an ETP New Issue using a Trading Halt Auction, the Exchange proposes to add the following to the provision above: “or, in the case of an ETP New Issue, a value provided to the Exchange by the issuer.”¹⁴

The Exchange believes that this proposed change will not negatively impact issuers or market participants. ETP issuers have expressed a preference to retain the option to open ETP New Issues with an auction at or after 7:00 a.m. ET, notwithstanding that such trading would begin through a Trading Halt Auction instead of an Early Open

¹³ The Exchange proposes to delete the “–E” from this cross-reference to Rule 7.35–E(e)(7)(A) as inadvertently copied from the corresponding rule text of the Exchange’s affiliate SRO, NYSE Arca, Inc.

¹⁴ The Exchange notes that there is precedent for a similar approach in Nasdaq Stock Market’s (“Nasdaq”) Rule 4120(b)(4)(A) regarding the resumption of trading after a Regulatory Halt other than an IPO or SIP Halt. Rule 4120(b)(4)(A)(i)(a)(1) provides that Nasdaq will establish an Auction Reference Price based on “(i) the Nasdaq last sale price (either round or odd lot); and (ii) if there is no Nasdaq last sale price, the prior trading day’s Nasdaq Official Closing Price (‘NOCP’),” and “[i]n the event there is no Nasdaq last sale price of NOCP, Nasdaq’s MarketWatch Department retains discretion to set the Auction Reference Price.”

⁸ See Securities Exchange Act Release No. 103699 (August 13, 2025), 90 FR 40114 (August 18, 2025) (SR-NYSETEX-2025-23).

⁹ See *id.*

¹⁰ The term “Trading Halt Auction” is defined in Rule 7.35(e).

Auction. While a Trading Halt Auction is subject to auction collars and extensions that do not apply to an Early Open Auction, the Exchange believes those features are designed to promote fair and orderly price discovery and reduce the likelihood of executions at prices that are not reasonably related to the value of the underlying ETP. Accordingly, the proposed change preserves issuers' ability to launch ETP New Issues during the Early Trading Session while providing market participants with the additional pricing protections associated with a Trading Halt Auction.

Implementation

The Exchange proposes that this rule change would become operative at the commencement of 23/5 Trading, which is scheduled to commence industry-wide on December 6, 2026.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.¹⁵ Specifically, the proposal is consistent with Section 6(b)(5) of the Act¹⁶ because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes the proposed rule change would protect investors and the public interest and perfect the mechanism of a free and open market and a national market system by adding transparency and specificity to the rule.

Regarding the proposed change to Rule 7.18(b)(1)(B)(i), the existing text and the history of the rule are clear that an Initial Listing Regulatory Halt will not be used in the case of an IPO of a corporate security. The Exchange believes that stating that exception explicitly in the rule text will enhance the transparency of the rule and benefit the public interest.

Similarly, the current text of Rule 7.18(b)(5)(B)(v) does not specify the mechanism for reopening trading after an Initial Listing Regulatory Halt, and the Exchange believes that explicitly specifying those mechanisms in the rule text will enhance the transparency of the rule and benefit the public interest. Rule 7.18(b)(5)(B) already states that a

Trading Halt Auction is the default method of reopening after a Regulatory Halt other than a SIP Halt, and Rule 7.35(f) already provides that an ETP IPO Security (*i.e.*, ETP New Issue) generally opens with an IPO Auction. The proposed rule change would make those rules explicit in the text of Rule 7.18(b)(5)(B)(v), thereby adding further specificity and transparency to the Exchange's rules.

Finally, the proposal to amend Rule 7.35(f), to make a supporting change to Rule 7.35(a)(8)(A), and to reflect such changes in Rule 7.18(b)(5)(B)(v) to provide that the Exchange would use a Trading Halt Auction to open the security if the issuer of an ETP New Issue elects to commence trading in the Early Trading Session would remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest. The proposed change preserves the issuer's ability to choose that an ETP New Issue start trading in the Early Trading Session in the 23/5 Trading environment, while providing market participants with the additional pricing protections associated with a Trading Halt Auction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act¹⁷ in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act as explained below. The majority of the proposed changes are non-substantive and, rather than impacting competition, would simply enhance the specificity and transparency of the rule. As for the proposed change to use a Trading Halt Auction to open trading in an ETP New Issue where the issuer elects to start trading in the Early Trading Session, the Exchange understands that other listing exchanges are making similar changes to their rules in light of 23/5 Trading, and as such, the proposed change would enhance, rather than burden, competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁸ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁹

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁰ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSETEX-2026-37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSETEX-2026-37. This file number should be included on the subject line if email is used. To help the Commission process and review your

¹⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁰ 15 U.S.C. 78s(b)(2)(B).

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(5).

¹⁷ 15 U.S.C. 78f(b)(8).

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSETEX-2026-37 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-21743 Filed 10-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106713; File No. SR-CboeBZX-2026-087]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Update the Definition of Trading Platform

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 19, 2026, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") proposes to amend its Fee Schedule to update the definition of "Trading Platform." 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 the definition of "Trading Platform" set forth in the Definitions section of its Fee Schedule.³ The existing definition enumerates three categories of execution venue—a registered National Securities Exchange, an Alternative Trading System, and an Electronic Communications Network. The Exchange now seeks to amend this definition to add a functional, use-based category—namely, any other system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity—so that the term also captures other systems that perform a functionally equivalent execution function. The amended definition identifies, as non-exhaustive examples, a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment.⁴ The current

and proposed amended definitions are set forth below.

Current Definition: "A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), or an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS)."

Proposed Amended Definition: "A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS), or any other system, facility, or platform (including but not limited to a broker crossing system not filed as an ATS, a systematic internalization system, or a decentralized blockchain-based or tokenized environment) through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity."

The change is intended to capture changes in the evolving landscape of market structure and trading technology, including the increasing use of functionally equivalent execution systems that operate outside the three enumerated categories. For example, under the current definition, a platform operated as or by a registered National Securities Exchange, an Alternative Trading System, or an Electronic Communications Network plainly constitutes a Trading Platform and is thus subject to the applicable fees associated with a Trading Platform.⁵ However, a functionally equivalent system that performs the same execution function—such as a single-dealer platform that internalizes and/or facilitates execution of client order flow, or a decentralized or tokenized execution venue—is not expressly named in the current enumerated categories, despite performing the same execution function as the enumerated venues. To facilitate more consistent

³ The Exchange initially submitted the proposed rule change on September 1, 2026 (SR-CboeBZX-2026-072). On October 19, 2026, the Exchange withdrew that filing and submitted this proposal.

⁴ The Exchange notes that its proposed definition is similar to NYSE's Category 3 of Non-Display Use which is intended to apply to trading platforms. NYSE states in its policies that "This category applies to use in trading platform(s), such as, but not restricted to, alternative trading systems (ATSs), broker crossing networks, broker crossing systems

not filed as ATSs, dark pools, multilateral trading facilities, exchanges and systematic internalization systems." See *NYSE Market Data Complete Policy Package.pdf*.

⁵ For example, a Trading Platform is subject to a fee of \$5,000/month for BZX Depth for Non-Display Usage, while a non-Trading Platform is subject to a fee of \$2,000/month for this. See BZX Equities Fee Schedule.

²¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

and equitable outcomes across functionally equivalent venues, the Exchange proposes to add this language so that “Trading Platform” better covers the intended scope of execution venues.

The new framework operates as a functional, use-based standard. It reaches any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, regardless of the execution model employed. The definition expressly covers both (i) systems that match third-party orders against one another and (ii) systems in which the operator or its affiliate executes third-party orders in a principal trading capacity. Accordingly, a single-dealer platform that internalizes and/or facilitates execution of client order flow falls within the definition on its face. The parenthetical examples—a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment—are illustrative only and the amended definition is not intended to limit the scope of the broader category. The requirement that orders be “systematically executed by electronic means” distinguishes covered systems from manual, negotiated, or voice-brokered bilateral trading.

The amended definition is intended to capture emerging technologies and execution venues that are functionally analogous to venues with established regulatory definitions—including tokenized order books or decentralized execution protocols, to the extent they perform or support an execution function, and other novel platforms. These venues operate in a manner similar to defined legacy execution platforms and should be treated as such. The examples set out in the definition—broker crossing systems not filed as ATSs, systematic internalization systems, and decentralized blockchain-based or tokenized environments—as well as the references to single-dealer platforms in this filing, are illustrative of this approach, not an exhaustive list, and the definition applies to any system through which third-party orders are systematically executed by electronic means, regardless of label.

The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity as to the scope of “Trading Platform,” with new and emerging execution technologies in mind. The Exchange notes that this update better aligns itself with the ongoing evolution

of market structure and industry practice.⁶

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁷ Specifically, the Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁸ 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed definition change 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 change is intended to capture changes in the evolving landscape of market structure and trading technology, and to ensure that the term “Trading Platform” is applied consistently and comprehensively to functionally equivalent execution systems, regardless of the underlying technology or business model. As noted above, the amended definition is intended to reach any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching or by principal execution by the operator or its affiliate—including, for example, a single-dealer platform that internalizes order flow, as well as decentralized or tokenized execution venues. A definition that excluded single-dealer platforms on the basis of their bilateral structure would draw an arbitrary line between venues that use market data in the same way. Applying the definition on a consistent, function-based basis to all functionally analogous venues, legacy and emerging alike, ensures equal treatment and avoids selective application. By ensuring that similar venues are treated alike, the proposed definition supports the equitable allocation of fees and avoids disparate treatment of functionally equivalent venues that do not meet an existing

definition. The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity on the platforms that should be covered under the definition, with new and emerging trading technologies in mind.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is grounded in the Exchange’s efforts to compete more effectively (e.g., by updating its definition of Trading Platform to conform with changes in the industry).¹⁰ As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intramarket competition, as the revised definition applies uniformly to all market participants that meet the definition of Trading Platform, regardless of their specific business model or the technology employed by the execution venue.

Further, the proposed change to update the Trading Platform definition does not create an unnecessary or inappropriate inter-market burden on competition because it merely updates the Exchange’s definitions to ensure consistency with the evolving technological landscape. Indeed, this proposal ensures that the Exchange’s Fee Schedule accurately reflects the current scope of execution venues. The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition.

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 Act¹¹ and paragraph (f) of Rule 19b-4¹² thereunder. At any time within 60 days of the filing of the proposed rule

⁶ See supra note 4.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ See supra note 4.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

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-2026-087 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-2026-087. 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-2026-087 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106721; File No. SR-NYSEARCA-2026-104]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule Regarding Fees and Rebates Applicable to Manual Transactions

October 21, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on October 14, 2026, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule ("Fee Schedule") regarding fees and rebates applicable to Manual transactions. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the Fee Schedule to adjust the fees and

rebates applicable to Manual transactions. Specifically, the Exchange proposes to (1) amend the fees applicable to Manual transactions in non-Penny issues executed by LMMs and Market Makers (collectively, "Market Makers"), and (2) establish a rebate payable to Floor Broker orders that trade with a Market Maker order on the Trading Floor ("Trading Floor" or "Floor"). The Exchange proposes that these changes become effective October 14, 2026.⁴

With respect to the first proposed change, the Exchange proposes to amend the Fee Schedule, which sets forth rates for Manual executions in both Penny and non-Penny issues.⁵ Currently, a \$0.50 per contract fee applies to Market Makers' Manual transactions in non-Penny issues, except for those in MXEA, MXEF, MXUSA, MXWLD, and MXACW. The Exchange proposes to increase this fee to \$0.90 per contract and then, effective November 1, 2026, increase the fee to \$1.00 per contract.⁶ The increase to \$1.00 per contract would align the Exchange's fee for Market Maker Manual transactions in non-Penny issues consistent with similar fees adopted and proposed by other exchanges.⁷ The two-tiered increase is necessary to simplify the Exchange's billing process during the

⁴ The Exchange previously filed to amend the Fee Schedule several times beginning on January 2, 2026, all of which filings were withdrawn and replaced by another filing. Most recently, the Exchange amended the Fee Schedule on September 30, 2026 (SR-NYSEARCA-2026-101) which filing the Exchange withdrew on October 14, 2026 and replaced with this one. The Exchange notes that a previous filing proposed changes to a complex order surcharge that are not included in this filing.

⁵ See NYSE Arca OPTIONS: TRADE-RELATED CHARGES FOR STANDARD OPTIONS, TRANSACTION FEE FOR MANUAL EXECUTIONS—PER CONTRACT.

⁶ The Exchange also proposes a formatting change to the table setting forth Manual transaction fees to delineate fees applicable to executions in Penny vs. non-Penny issues. The Exchange is not proposing to amend any fees other than those applicable to Market Maker Manual transactions in non-Penny issues as described above. The Exchange also proposes a clarifying change in the text defining Penny and non-Penny issues (preceding the table setting forth Manual transaction fees), to specify that a Penny issue or class refers to option classes that participate in the Penny Interval Program, as described in Rules 6.72-O and 6.72A-O.

⁷ NASDAQ PHLX LLC increased the Non-Penny Symbol Floor Options Transaction Charges for Lead Market Makers and Market Makers from \$0.50 to \$1.00 per contract (See Securities Exchange Act Release No. 105913 (July 14, 2026), 91 FR 44933 (July 17, 2026) (SR-PHLX-2026-44) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 4)). In addition, BOX Exchange LLC recently proposed to increase Market Maker Qualified Open Outcry and FLEX Open Outcry Order fees from \$0.50 to \$1.00 (See SR-BOX-2026-20).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

¹³ 17 CFR 200.30-3(a)(12).

transition and to allow market participants sufficient time to adapt.

The Exchange also proposes to establish a rebate of \$0.20 per contract payable to Floor Broker orders that trade with Market Maker orders on the Trading Floor. For Floor Brokers that participate in the FB Prepay Program,⁸ the proposed rebate would apply in lieu of any rebates earned through the Manual Billable Rebate Program as provided in the Fee Schedule. The Exchange proposes to add new text describing this rebate to Endnote 17.

The Exchange believes that the proposed rebate for Penny and non-Penny issues would strengthen the Exchange's competitive position for order flow by incentivizing Floor Brokers to participate on the Trading Floor, including when the counterparty to such trading is a Market Maker, rather than routing such orders to other exchanges' trading floors. The Exchange operates in a highly competitive market for order flow, and Floor Brokers may readily direct their order flow to competing exchanges that offer more favorable pricing. Accordingly, the Exchange believes the proposed rebate is a reasonable means of remaining competitive and attracting order flow to its Trading Floor. The Exchange notes that, in August 2026, executions in non-Penny issues represented only 35% of executed Manual volume, underscoring that the proposed fee increase is much smaller in scope than the proposed Floor Broker rebate, which is applicable to executions in both Penny and non-Penny issues.

Taken together with the proposed rebate payable to Floor Broker orders, the Exchange believes that the proposed increase in the Market Maker fee for Manual transactions in non-Penny issues from \$0.50 to \$0.90 per contract and then to \$1.00 per contract beginning on November 1, 2026 would, on balance, not discourage Market Makers from continuing to participate in transactions on the Trading Floor, thereby promoting trading opportunities and competition on the Trading Floor to the benefit of all market participants. Specifically, the Exchange notes that Market Maker participation in non-Penny issues on the Trading Floor has continued to grow since the Exchange's initial fee increase on January 2, 2026. For example, in December 2025, prior to the Exchange's initial filing, Market Makers paid \$0.50 per contract for

Manual transactions in non-Penny issues and were involved in only 18% of executed Manual volume in non-Penny issues. However, in August 2026, after the fee was raised to \$1.00 per contract for Manual executions in non-Penny issues and, subsequently, to \$0.90 per contract, Market Makers were involved in 39% of executed Manual volume in non-Penny issues. Despite higher Market Maker fees for Manual transactions, the Exchange has continued to observe elevated Market Maker interest on the Trading Floor, even in non-Penny issues where the fee was specifically increased, demonstrating that this fee has not deterred, and will not deter Market Maker participation.

The Exchange further notes that the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is within the range of fees currently in place for responses by Market Makers (and other market participants) in non-Penny issues on another electronic paired-order auction mechanisms [sic] on other options exchanges [sic], which is largely analogous to the Manual transactions impacted by the proposed fee increase on the Trading Floor. For example, Cboe EDGX Exchange, Inc. ("EDGX") imposes a \$1.05 per contract fee on all market participants (including Market Makers) responding to Automated Improvement Mechanism Auctions ("AIM Auctions"), while charging the paired contra order only \$0.02 per contract in non-Penny issues.⁹

In this example, the large disparity in fees between the auction responder and the paired contra order demonstrates the unique position of the responder to evaluate the full terms of a transaction immediately prior to execution, including size, pricing, and counterparty interest. This position enables responders to EDGX AIM Auctions to exercise discretion in determining whether to engage in a trade under informed conditions. In addition, the responder has a guaranteed participation entitlement of up to 60% of the trade under the relevant rules, even in the absence of price improvement. This allocation represents a meaningful structural advantage, as it ensures a substantial share of order flow once a responder elects to participate. The Exchange believes that Market Makers hold a similar advantageous position in choosing to participate in Manual transactions on the Trading Floor and,

therefore, believes that the difference in fees between Market Makers and other market participants for Manual transactions in non-Penny issues is justified.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁰ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹¹ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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."¹²

There are currently 20 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹³ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in August 2026, the Exchange had 10.54% market share of executed volume of multiply-listed equity and ETF options trades.¹⁴ In such

¹⁰ 15 U.S.C. 78f(b).

¹¹ 15 U.S.C. 78f(b)(4) and (5).

¹² See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) ("Reg NMS Adopting Release").

¹³ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹⁴ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchange's market share in equity-based options decreased from 9.87% for the month of August 2025 to 10.54% for the month of August 2026.

⁸ The Exchange also proposes a non-substantive change to correct a typo in the portion of the Fee Schedule describing the FB Prepay Program. *See* proposed Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the "FB Prepay Program").

⁹ *See* EDGX Fee Codes and Associated Fees, available at Cboe EDGX Options Exchange Fee Schedule.

a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of options order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

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 discontinue or reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Specifically, as it relates to Manual executions, Market Makers, like other market participants, retain the ability to adjust their trading behavior, reduce participation, or reallocate order flow and liquidity-provision activity across competing exchanges in response to fee changes.

The Exchange believes that the proposed rebate is reasonable because, in a highly competitive market where Floor Brokers may readily direct order flow to other exchanges' trading floors, the rebate would strengthen the Exchange's competitive position by incentivizing Floor Brokers to continue directing Manual orders to the Trading Floor, including orders that trade against Market Makers, thereby promoting trading opportunities and competition on the Floor for the benefit of all market participants. The Exchange also believes that the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is reasonable, as it is (i) narrow in scope, applying only to non-Penny Manual transactions, which represent just 35% of executed Manual volume; (ii) unlikely to discourage Market Maker participation, which has continued to grow after the implementation of the increase; and (iii) consistent with, and more moderate than, comparable fee disparities imposed by another options exchange on responders in analogous electronic paired-order auctions (*e.g.*, EDGX's AIM Auction).

Furthermore, the Exchange believes that assessing a higher fee for Manual transactions on the Trading Floor is reasonable considering the distinct advantages afforded to Floor-based Market Makers. Floor-based Market Makers who, by virtue of their physical presence and participation model, are uniquely positioned to evaluate the full terms of a transaction, including size, pricing, and counterparty interest, immediately prior to execution. This

capability enables Floor-based Market Makers to exercise discretion in determining whether to engage in a trade under informed conditions that are not available to off-floor or fully electronic participants. In addition, the Exchange's rules provide Floor-based Market Makers with a guaranteed participation entitlement of up to 60% of the trade for both Solicitation and Facilitation Cross Transactions,¹⁵ even in the absence of price improvement. This allocation represents a meaningful structural advantage, as it ensures a substantial share of order flow if a Floor-based Market Maker elects to participate.¹⁶ Together, these features—the ability to assess trading opportunities in real time before committing capital and the certainty of receiving a guaranteed, significant allocation—enhance the likelihood of favorable execution outcomes and revenue opportunities for Floor-based Market Makers.

Accordingly, the Exchange believes it is reasonable to assess higher fees on Market Maker Manual transactions in non-Penny issues. This fee differential is consistent with the fee structure of another options exchange's offerings in its electronic paired-order auction, which similarly differentiate fees based on the trading privileges and informational advantages available to certain participants. For example, the EDGX's AIM Auction charges all market participants responding to an auction (including Market Makers) \$1.05 per contract, while charging the paired contra order only \$0.02 per contract in non-Penny issues—in each case reflecting a substantial fee differential tied to the distinct informational and structural advantages afforded to the responder, largely similar to the advantages afforded to Floor-based Market Makers here. The differential between the fee charged to Market Makers and the fee charged to other participants in non-Penny Manual transactions reflects the enhanced trading privileges, informational advantages, and allocation guarantees uniquely available to Trading Floor-based participants and appropriately aligns fees with the relative value of these benefits as compared to other market participants operating without such advantages.

The Exchange believes that the proposed changes are reasonably

designed to incent Floor Brokers to increase the number of Manual orders directed to the Trading Floor, including orders that trade with Market Maker orders. Any increase in trading volume would create more trading opportunities for all market participants and would in turn attract additional order flow to the Exchange, further contributing to a deeper, more liquid market to the benefit of all market participants. The Exchange also notes that the proposed rebate is similar in structure to incentive programs for Floor Brokers offered by competing options exchanges.¹⁷

The Exchange further believes the proposed fee increase is reasonable because it is designed to offset the costs associated with the proposed Floor Broker rebate, which, as noted above, is intended to create more trading opportunities on the Trading Floor for all market participants, including Market Makers. As discussed above, Market Maker participation on the Trading Floor has continued to grow even as Market Maker fees for Manual transactions in non-Penny issues have increased, and the Exchange believes the increased order flow generated by the proposed rebate would similarly provide Market Makers with additional trading opportunities that offset the impact of the higher fee. In addition, the Exchange notes that market participants remain free to direct their order flow to competing venues if they believe other markets offer more favorable fees and rebates. Specifically, Market Makers, like other market participants, retain the ability to adjust their trading behavior, reduce participation, or reallocate order flow and liquidity-provision activity across competing exchanges in response to fee changes.

To the extent the proposed rule change attracts greater volume and liquidity by encouraging Floor Brokers to increase their options volume on the Exchange in an effort to earn the proposed rebate, the Exchange believes the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all

¹⁷ See, *e.g.*, BOX Exchange Fee Schedule, Section V. Manual Transaction Fees, available at <https://boxexchange.com/assets/BOX-Fee-Schedule-as-of-January-22-2026.pdf> (offering Floor Brokers that submit QOO and FOO Orders a \$0.20 per contract enhanced rebate for executions that trade with a Floor Market Maker, in lieu of lesser per contract rebates also available to Floor Brokers); MIAx Sapphire Options Exchange, Section 1) c) Trading Floor Transactions, available at https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAx_Sapphire_Fee_Schedule_01212026_b.pdf (providing for the "Floor Broker Breakup Credit," a \$0.20 credit applicable to Floor Brokers that submit a QFO or cQFO for executions that trade with a Floor Market Maker, instead of the \$0.10 Floor Broker rebate otherwise available).

¹⁵ See Rule 6.47–O.

¹⁶ While some Market Maker Manual volume derives from upstairs paired transactions, where these advantages are not present, such transactions represent only a small percentage of overall Market Maker Manual activity and do not diminish the significance of the described benefits.

market participants. Against the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. With respect to the proposed rebate, the Exchange believes it is equitable because it is based on the type of business transacted on the Exchange, and Floor Brokers may choose whether or not to seek to earn the rebate based on their own order-routing decisions. The Exchange also believes the rebate is equitable because it is intended to support Floor Brokers' role in facilitating the execution of Manual orders, a function that benefits all market participants on the Trading Floor, including Market Makers.

With respect to the proposed fee applicable to Market Maker Manual transactions in non-Penny issues, the Exchange believes it is equitable for several reasons. First, the fee is designed to offset the costs associated with the proposed rebate while encouraging increased execution opportunities in Manual transactions on the Trading Floor, and an increase in such orders would, in turn, enhance trading opportunities for all market participants. The fee is also consistent with fees charged, and differences allowed, by EDGX for analogous transactions (*e.g.*, AIM Auction fees). Assessing Market Makers a higher fee for Manual transactions in non-Penny issues is equitable because Floor-based Market Makers, who account for the majority of Market Maker Manual transaction volume in non-Penny issues, occupy a uniquely advantaged position relative to other market participants—specifically, the exclusive ability to evaluate the terms of a transaction immediately prior to execution, as well as a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.¹⁸

Moreover, the proposal is designed to incent participation on the Trading Floor in an effort to make the Exchange a primary execution venue and to attract more Manual transactions to the Exchange. To the extent that the proposed change attracts more Floor Broker orders to the Exchange, this increased order flow would continue to make the Exchange a more competitive

venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to modify the fee applicable to Market Maker Manual transactions in non-Penny issues because the proposed change would apply to all similarly situated Market Maker orders equally, regardless of the identity of the Market Maker responding to such orders. The Exchange notes that any participant can become a Floor-based Market Maker on the Exchange and avail themselves equally to all the benefits and obligations that such role entails. As discussed above, the Exchange believes it is not unfairly discriminatory to incent order flow to the Exchange through the proposed rebate, which would enhance liquidity on the Exchange to the benefit of all market participants. The Exchange also believes that the proposed rebate payable to Floor Brokers for a Manual order that trades with a Market Maker order on the Trading Floor is not unfairly discriminatory because it would be available to all similarly situated Floor Brokers on an equal and non-discriminatory basis, based solely on their order flow and trading activity on the Trading Floor.

The Exchange further believes that the proposed rebate is not unfairly discriminatory to other market participants because it is intended to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function which the Exchange wishes to support for the benefit of all market participants, including Market Makers, who would benefit from the additional execution opportunities generated by increased Floor Broker participation. In addition, although the proposed change would increase the fee applicable to Market Maker Manual transactions in non-Penny issues, the proposed fee is consistent with fees charged, and differences allowed, by another options exchange for analogous transactions. For example, EDGX's AIM Auction, which charges responders (including Market Makers) \$1.05 per contract while charging the paired contra order only \$0.02 per contract in non-Penny issues.

The Exchange further believes that Market Makers would not be discouraged from continuing to

participate actively on the Trading Floor and would benefit from increased Manual order flow, including from Floor Brokers seeking to earn the proposed rebate. Indeed, as discussed above, Market Maker participation in non-Penny Manual transactions on the Trading Floor grew from 18% in December 2025 to 39% in August 2026, notwithstanding higher Market Maker fees already in effect for much of that period, demonstrating that a fee differential of this magnitude has not discouraged, and is not expected to discourage, Market Maker participation.

The Exchange also believes that the higher fee assessed to Market Makers for Manual transactions in non-Penny issues is not unfairly discriminatory because it reasonably reflects the uniquely advantaged position of Trading Floor-based Market Makers, who account for approximately 100% of such volume, relative to other market participants. In particular, these Trading Floor-based Market Makers possess the exclusive ability to evaluate the full terms of a transaction immediately prior to execution and benefit from a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.¹⁹ These features provide Floor-based Market Makers with meaningful informational and allocation advantages that are not available to off-floor or purely electronic participants. The Exchange notes that any participant can become a Floor-based Market Maker on the Exchange and avail themselves equally to all the benefits and obligations that such role entails. Accordingly, the Exchange believes that the differential in fees, which is similar in kind to the differential EDGX charges between AIM Auction responders and the paired contra orders is appropriately calibrated to the distinct structural benefits available to Trading Floor-based Market Makers and therefore does not constitute unfair discrimination. Rather, the higher fee reflects a rational alignment between pricing and the value of the enhanced trading opportunities and execution certainty afforded to these participants. Moreover, to the extent that the exercise of these advantages contributes to increased Trading Floor activity and attracts additional order flow, the proposed fee would enhance overall market quality, deepen liquidity, and promote additional trading opportunities for all market participants on the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the

¹⁸ See note 15, *supra*.

¹⁹ See note 15, *supra*.

Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."²⁰

Intramarket Competition. The proposed change is designed to attract additional order flow to the Exchange. The Exchange notes that any participant can become a Floor-based Market Maker on the Exchange and avail themselves equally to all the benefits and obligations that such role entails. The Exchange believes that the proposed change to Market Maker fees for Manual transactions in non-Penny issues, and the proposed rebate payable to the Floor Broker orders that trade against Market Maker orders on the Trading Floor would encourage Floor Broker Manual order flow and would not disincentivize Market Maker activity on the Trading Floor. Greater liquidity benefits all market participants on the Exchange and increased order flow would increase opportunities for execution of other trading interest. The proposed changes would apply and be available to all similarly situated market participants that execute Manual transactions on the Trading Floor, and, accordingly, the proposed changes would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 19 competing options exchanges if they deem the Exchange's fee levels to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to

the Exchange. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.²¹ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in August 2026, the Exchange had 10.54% market share of executed volume of multiply-listed equity and ETF options trades.²²

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to incent participants on the Trading Floor to direct trading interest to the Exchange, to provide liquidity and to attract additional order flow. To the extent that Floor Brokers are encouraged to utilize the Exchange as a primary trading venue for all transactions, all Exchange market participants stand to benefit from the improved market quality and increased opportunities for price improvement. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)²³ of the Act and

²¹ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

²² Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchange's market share in equity-based options increased from 9.87% for the month of August 2025 to 10.54% for the month of August 2026.

²³ 15 U.S.C. 78s(b)(3)(A).

subparagraph (f)(2) of Rule 19b-4²⁴ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2026-104 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-NYSEARCA-2026-104. 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-NYSEARCA-2026-104 and should

²⁴ 17 CFR 240.19b-4(f)(2).

²⁵ 15 U.S.C. 78s(b)(2)(B).

²⁰ See Reg NMS Adopting Release, note 12 *supra* at 37499.

be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106720; File No. SR–NYSEAMER–2026–93]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule Regarding Fees and Rebates Applicable to Manual Transactions

October 21, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on October 14, 2026, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE American Options Fee Schedule (“Fee Schedule”) regarding fees and rebates applicable to Manual transactions. The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the Fee Schedule to adjust the fees and rebates applicable to Manual transactions. Specifically, the Exchange proposes to (1) amend the fees applicable to Manual transactions in non-Penny issues executed by e-Specialists, Market Makers, and Specialists (collectively, “Market Makers”), and (2) establish a rebate payable to Floor Broker orders that trade with a Market Maker order on the Trading Floor (“Trading Floor” or “Floor”). The Exchange proposes that these changes become effective October 14, 2026.⁴

With respect to the first proposed change, the Exchange proposes to amend Section I.A. of the Fee Schedule, which sets forth rates for Electronic and Manual transactions in both Penny and non-Penny issues. Currently, a \$0.50 per contract fee applies to Market Makers’ Manual transactions in non-Penny issues, except for those in MXEA, MXEF, MXUSA, MXWLD, and MXACW. The Exchange proposes to increase this fee to \$0.90 per contract and then, effective November 1, 2026, increase the fee to \$1.00 per contract. The increase to \$1.00 per contract would align the Exchange’s fee for Market Maker Manual transactions in non-Penny issues consistent with similar fees adopted and proposed by other exchanges.⁵ The two-tiered increase is necessary to simplify the Exchange’s billing process during the

transition and to allow market participants sufficient time to adapt.

The Exchange also proposes to establish a rebate of \$0.20 per contract payable to Floor Broker orders that trade with Market Maker orders on the Trading Floor. For Floor Brokers that participate in the FB Prepay Program, the proposed rebate would apply in lieu of any rebates earned through the Manual Billable Rebate Program as provided in Section III.E. of the Fee Schedule. The Exchange proposes to add new text to Section III.E. of the Fee Schedule describing the proposed rebate.

The Exchange believes that the proposed rebate for Penny and non-Penny issues would strengthen the Exchange’s competitive position for order flow by incentivizing Floor Brokers to participate on the Trading Floor, including when the counterparty to such trading is a Market Maker, rather than routing such orders to other exchanges’ trading floors. The Exchange operates in a highly competitive market for order flow, and Floor Brokers may readily direct their order flow to competing exchanges that offer more favorable pricing. Accordingly, the Exchange believes the proposed rebate is a reasonable means of remaining competitive and attracting order flow to its Trading Floor. The Exchange notes that, in August 2026, executions in non-Penny issues represented only 12% of executed Manual volume, underscoring that the proposed fee increase is much smaller in scope than the proposed Floor Broker rebate, which is applicable to executions in both Penny and non-Penny issues.

Taken together with the proposed rebate payable to Floor Broker orders, the Exchange believes that the proposed increase in the Market Maker fee for Manual transactions in non-Penny issues from \$0.50 to \$0.90 per contract and then to \$1.00 per contract beginning on November 1, 2026 would, on balance, not discourage Market Makers from continuing to participate in transactions on the Trading Floor, thereby promoting trading opportunities and competition on the Trading Floor to the benefit of all market participants. Specifically, the Exchange notes that Market Maker participation in non-Penny issues on the Trading Floor has continued to grow since the Exchange’s initial fee increase on January 2, 2026. For example, in December 2025, prior to the Exchange’s initial filing, Market Makers paid \$0.50 per contract for Manual transactions in non-Penny issues and were involved in only 12% of executed Manual volume in non-Penny issues. However, in August 2026,

²⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Exchange previously filed to amend the Fee Schedule several times beginning on January 2, 2026, all of which filings were withdrawn and replaced by another filing. Most recently, the Exchange amended the Fee Schedule on September 30, 2026 (SR–NYSEAMER–2026–90) which filing the Exchange withdrew on October 14, 2026 and replaced with this filing. The Exchange notes that a previous filing proposed changes to a complex order surcharge that are not included in this filing.

⁵ NASDAQ PHLX LLC increased the Non-Penny Symbol Floor Options Transaction Charges for Lead Market Makers and Market Makers from \$0.50 to \$1.00 per contract (See Securities Exchange Act Release No. 105913 (July 14, 2026), 91 FR 44933 (July 17, 2026) (SR–Phlx–2026–44) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 4)). In addition, BOX Exchange LLC recently proposed to increase Market Maker Qualified Open Outcry and FLEX Open Outcry Order fees from \$0.50 to \$1.00 (See SR–BOX–2026–20).

after the fee was raised to \$1.00 per contract for Manual executions in non-Penny issues and, subsequently, to \$0.90 per contract, Market Makers were involved in 20% of executed Manual volume in non-Penny issues. Despite higher Market Maker fees for Manual transactions, the Exchange has continued to observe elevated Market Maker interest on the Trading Floor, even in non-Penny issues where the fee was specifically increased, demonstrating that this fee has not deterred, and will not deter Market Maker participation.

The Exchange further notes that the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is within the range of fees currently in place for responses by Market Makers (and other market participants) in non-Penny issues in various electronic paired-order auction mechanisms on other options exchanges, which is largely analogous to the Manual transactions impacted by the proposed fee increase on the Trading Floor. For example, Cboe EDGX Exchange, Inc. ("EDGX") imposes a \$1.05 per contract fee on all market participants (including Market Makers) responding to Automated Improvement Mechanism Auctions ("AIM Auctions"), while charging the paired contra order only \$0.02 per contract in non-Penny issues.⁶

In this example, the large disparity in fees between the auction responder and the paired contra order demonstrates the unique position of the responder to evaluate the full terms of a transaction immediately prior to execution, including size, pricing, and counterparty interest. This position enables responders to EDGX AIM Auctions to exercise discretion in determining whether to engage in a trade under informed conditions. In addition, the responder has a guaranteed participation entitlement of up to 60% of the trade under the relevant rules, even in the absence of price improvement. This allocation represents a meaningful structural advantage, as it ensures a substantial share of order flow once a responder elects to participate. The Exchange believes that Market Makers hold a similar advantageous position in choosing to participate in Manual transactions on the Trading Floor and, therefore, believes that the difference in fees between Market Makers and other market participants for Manual

transactions in non-Penny issues is justified.

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 Sections 6(b)(4) and (5) of the Act,⁸ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. 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."⁹

There are currently 20 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁰ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in August 2026, the Exchange had 11.30% market share of executed volume of multiply-listed equity and ETF options trades.¹¹ In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing

power in the execution of options order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

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 discontinue or reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Specifically, as it relates to Manual executions, Market Makers, like other market participants, retain the ability to adjust their trading behavior, reduce participation, or reallocate order flow and liquidity-provision activity across competing exchanges in response to fee changes.

The Exchange believes that the proposed rebate is reasonable because, in a highly competitive market where Floor Brokers may readily direct order flow to other exchanges' trading floors, the rebate would strengthen the Exchange's competitive position by incentivizing Floor Brokers to continue directing Manual orders to the Trading Floor, including orders that trade against Market Makers, thereby promoting trading opportunities and competition on the Floor for the benefit of all market participants. The Exchange also believes that the amount of the proposed fee for Market Maker Manual transactions in non-Penny issues is reasonable, as it is (i) narrow in scope, applying only to non-Penny Manual transactions, which represent just 12% of executed Manual volume; (ii) unlikely to discourage Market Maker participation, which has continued to grow after the implementation of the increase; and (iii) consistent with, and more moderate than, comparable fee disparities imposed by another options exchange on responders in analogous electronic paired-order auctions (e.g., EDGX's AIM Auction).

Furthermore, the Exchange believes that assessing a higher fee for Manual transactions on the Trading Floor is reasonable considering the distinct advantages afforded to Floor-based Market Makers. Floor-based Market Makers who, by virtue of their physical presence and participation model, are uniquely positioned to evaluate the full terms of a transaction, including size, pricing, and counterparty interest, immediately prior to execution. This capability enables Floor-based Market Makers to exercise discretion in determining whether to engage in a

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4) and (5).

⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) ("Reg NMS Adopting Release").

¹⁰ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹¹ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchange's market share in equity-based options increased from 8.53% for the month of August 2025 to 11.30% for the month of August 2026.

⁶ See EDGX Fee Codes and Associated Fees, available at Cboe EDGX Options Exchange Fee Schedule.

trade under informed conditions that are not available to off-floor or fully electronic participants. In addition, the Exchange's rules provide Floor-based Market Makers with a guaranteed participation entitlement of up to 60% of the trade for both Solicitation and Facilitation Cross Transactions,¹² even in the absence of price improvement. This allocation represents a meaningful structural advantage, as it ensures a substantial share of order flow if a Floor-based Market Maker elects to participate.¹³ Together, these features—the ability to assess trading opportunities in real time before committing capital and the certainty of receiving a guaranteed, significant allocation—enhance the likelihood of favorable execution outcomes and revenue opportunities for Floor-based Market Makers.

Accordingly, the Exchange believes it is reasonable to assess higher fees on Market Maker Manual transactions in non-Penny issues. This fee differential is consistent with the fee structure of another options exchange's offerings in its electronic paired-order auction, which similarly differentiate fees based on the trading privileges and informational advantages available to certain participants. For example, EDGX's AIM Auction charges all market participants responding to an auction (including Market Makers) \$1.05 per contract, while charging the paired contra order only \$0.02 per contract in non-Penny issues—in each case reflecting a substantial fee differential tied to the distinct informational and structural advantages afforded to the responder, largely similar to the advantages afforded to Floor-based Market Makers here. The differential between the fee charged to Market Makers and the fee charged to other participants in non-Penny Manual transactions reflects the enhanced trading privileges, informational advantages, and allocation guarantees uniquely available to Trading Floor-based participants and appropriately aligns fees with the relative value of these benefits as compared to other market participants operating without such advantages.

The Exchange believes that the proposed changes are reasonably designed to incent Floor Brokers to increase the number of Manual orders directed to the Trading Floor, including

orders that trade with Market Maker orders. Any increase in trading volume would create more trading opportunities for all market participants and would in turn attract additional order flow to the Exchange, further contributing to a deeper, more liquid market to the benefit of all market participants. The Exchange also notes that the proposed rebate is similar in structure to incentive programs for Floor Brokers offered by competing options exchanges.¹⁴

The Exchange further believes the proposed fee increase is reasonable because it is designed to offset the costs associated with the proposed Floor Broker rebate, which, as noted above, is intended to create more trading opportunities on the Trading Floor for all market participants, including Market Makers. As discussed above, Market Maker participation on the Trading Floor has continued to grow even as Market Maker fees for Manual transactions in non-Penny issues have increased, and the Exchange believes the increased order flow generated by the proposed rebate would similarly provide Market Makers with additional trading opportunities that offset the impact of the higher fee. In addition, the Exchange notes that market participants remain free to direct their order flow to competing venues if they believe other markets offer more favorable fees and rebates. Specifically, Market Makers, like other market participants, retain the ability to adjust their trading behavior, reduce participation, or reallocate order flow and liquidity-provision activity across competing exchanges in response to fee changes.

To the extent the proposed rule change attracts greater volume and liquidity by encouraging Floor Brokers to increase their options volume on the Exchange in an effort to earn the proposed rebate, the Exchange believes the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. Against the backdrop of the competitive environment in which the Exchange

operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. With respect to the proposed rebate, the Exchange believes it is equitable because it is based on the type of business transacted on the Exchange, and Floor Brokers may choose whether or not to seek to earn the rebate based on their own order-routing decisions. The Exchange also believes the rebate is equitable because it is intended to support Floor Brokers' role in facilitating the execution of Manual orders, a function that benefits all market participants on the Trading Floor, including Market Makers.

With respect to the proposed fee applicable to Market Maker Manual transactions in non-Penny issues, the Exchange believes it is equitable for several reasons. First, the fee is designed to offset the costs associated with the proposed rebate while encouraging increased execution opportunities in Manual transactions on the Trading Floor, and an increase in such orders would, in turn, enhance trading opportunities for all market participants. The fee is also consistent with fees charged, and differences allowed, by EDGX, for analogous transactions (e.g., AIM Auction fees). Assessing Market Makers a higher fee for Manual transactions in non-Penny issues is equitable because Floor-based Market Makers, who account for the majority of Market Maker Manual transaction volume in non-Penny issues, occupy a uniquely advantaged position relative to other market participants—specifically, the exclusive ability to evaluate the terms of a transaction immediately prior to execution, as well as a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.¹⁵

Moreover, the proposal is designed to incent participation on the Trading Floor in an effort to make the Exchange a primary execution venue and to attract more Manual transactions to the Exchange. To the extent that the proposed change attracts more Floor Broker orders to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would

¹⁴ See, e.g., BOX Exchange Fee Schedule, Section V. Manual Transaction Fees, available at <https://boxexchange.com/assets/BOX-Fee-Schedule-as-of-January-22-2026.pdf> (offering Floor Brokers that submit QOO and FOO Orders a \$0.20 per contract enhanced rebate for executions that trade with a Floor Market Maker, in lieu of lesser per contract rebates also available to Floor Brokers); MIAX Sapphire Options Exchange, Section 1) c) Trading Floor Transactions, available at https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Sapphire_Fee_Schedule_01212026_b.pdf (providing for the "Floor Broker Breakup Credit," a \$0.20 credit applicable to Floor Brokers that submit a QFO or cQFO for executions that trade with a Floor Market Maker, instead of the \$0.10 Floor Broker rebate otherwise available).

¹² See Rule 934.3NY and Rule 934.1NY(4)(A).

¹³ While some Market Maker Manual volume derives from upstairs paired transactions, where these advantages are not present, such transactions represent only a small percentage of overall Market Maker Manual activity and do not diminish the significance of the described benefits.

¹⁵ See note 12, *supra*.

improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to modify the fee applicable to Market Maker Manual transactions in non-Penny issues because the proposed change would apply to all similarly situated Market Maker orders equally, regardless of the identity of the Market Maker responding to such orders. The Exchange notes that any participant can become a Floor-based Market Maker on the Exchange and avail themselves equally to all the benefits and obligations that such role entails. As discussed above, the Exchange believes it is not unfairly discriminatory to incent order flow to the Exchange through the proposed rebate, which would enhance liquidity on the Exchange to the benefit of all market participants. The Exchange also believes that the proposed rebate payable to Floor Brokers for a Manual order that trades with a Market Maker order on the Trading Floor is not unfairly discriminatory because it would be available to all similarly situated Floor Brokers on an equal and non-discriminatory basis, based solely on their order flow and trading activity on the Trading Floor.

The Exchange further believes that the proposed rebate is not unfairly discriminatory to other market participants because it is intended to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function which the Exchange wishes to support for the benefit of all market participants, including Market Makers, who would benefit from the additional execution opportunities generated by increased Floor Broker participation. In addition, although the proposed change would increase the fee applicable to Market Maker Manual transactions in non-Penny issues, the proposed fee is consistent with fees charged, and differences allowed, by another options exchange for analogous transactions. For example, EDGX's AIM Auction, which charges responders (including Market Makers) \$1.05 per contract while charging the paired contra order only \$0.02 per contract in non-Penny issues.

The Exchange further believes that Market Makers would not be discouraged from continuing to participate actively on the Trading Floor and would benefit from increased Manual order flow, including from

Floor Brokers seeking to earn the proposed rebate. Indeed, as discussed above, Market Maker participation in non-Penny Manual transactions on the Trading Floor grew from 12% in December 2025 to 20% in August 2026, notwithstanding higher Market Maker fees already in effect for much of that period, demonstrating that a fee differential of this magnitude has not discouraged, and is not expected to discourage, Market Maker participation.

The Exchange also believes that the higher fee assessed to Market Makers for Manual transactions in non-Penny issues is not unfairly discriminatory because it reasonably reflects the uniquely advantaged position of Trading Floor-based Market Makers, who account for approximately 95% of such volume, relative to other market participants. In particular, these Trading Floor-based Market Makers possess the exclusive ability to evaluate the full terms of a transaction immediately prior to execution and benefit from a guaranteed participation allocation of up to 60% of the trade under the Exchange's rules.¹⁶ These features provide Floor-based Market Makers with meaningful informational and allocation advantages that are not available to off-floor or purely electronic participants. The Exchange notes that any participant can become a Floor-based Market Maker on the Exchange and avail themselves equally to all the benefits and obligations that such role entails. Accordingly, the Exchange believes that the differential in fees, which is similar in kind to the differential EDGX charges between AIM Auction responders and the paired contra orders is appropriately calibrated to the distinct structural benefits available to Trading Floor-based Market Makers and therefore does not constitute unfair discrimination. Rather, the higher fee reflects a rational alignment between pricing and the value of the enhanced trading opportunities and execution certainty afforded to these participants. Moreover, to the extent that the exercise of these advantages contributes to increased Trading Floor activity and attracts additional order flow, the proposed fee would enhance overall market quality, deepen liquidity, and promote additional trading opportunities for all market participants on the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."¹⁷

Intramarket Competition. The proposed change is designed to attract additional order flow to the Exchange. The Exchange notes that any participant can become a Floor-based Market Maker on the Exchange and avail themselves equally to all the benefits and obligations that such role entails. The Exchange believes that the proposed change to Market Maker fees for Manual transactions in non-Penny issues, and the proposed rebate payable to the Floor Broker orders that trade against Market Maker orders on the Trading Floor would encourage Floor Broker Manual order flow and would not disincentivize Market Maker activity on the Trading Floor. Greater liquidity benefits all market participants on the Exchange and increased order flow would increase opportunities for execution of other trading interest. The proposed changes would apply and be available to all similarly situated market participants that execute Manual transactions on the Trading Floor, and, accordingly, the proposed changes would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 19 competing options exchanges if they deem the Exchange's fee levels to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly available information, and excluding index-based options, no single exchange

¹⁶ See note 12, *supra*.

¹⁷ See Reg NMS Adopting Release, note 9 *supra*, at 37499.

has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.¹⁸ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in August 2026, the Exchange had 11.30% market share of executed volume of multiply-listed equity and ETF options trades.¹⁹

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to incent participants on the Trading Floor to direct trading interest to the Exchange, to provide liquidity and to attract additional order flow. To the extent that Floor Brokers are encouraged to utilize the Exchange as a primary trading venue for all transactions, all Exchange market participants stand to benefit from the improved market quality and increased opportunities for price improvement. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)²⁰ of the Act and subparagraph (f)(2) of Rule 19b-4²¹ thereunder, because it establishes a due,

fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)²² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2026-93 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-NYSEAMER-2026-93. 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-NYSEAMER-2026-93 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-21748 Filed 10-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106715; File No. SR-CboeEDGX-2026-072]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Update the Definition of Trading Platform

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 19, 2026, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") proposes to amend its Fee Schedule to update the definition of "Trading Platform." The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/edgx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

¹⁸ The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

¹⁹ Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.*, the Exchange's market share in equity-based options increased from 8.53% for the month of August 2025 to 11.30% for the month of August 2026.

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f)(2).

²² 15 U.S.C. 78s(b)(2)(B).

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 the definition of "Trading Platform" set forth in the Definitions section of its Fee Schedule.³ The existing definition enumerates three categories of execution venue—registered National Securities Exchange, an Alternative Trading System, and an Electronic Communications Network. The Exchange now seeks to amend this definition to add a functional, use-based category—namely, any other system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity—so that the term also captures other systems that perform a functionally equivalent execution function. The amended definition identifies, as non-exhaustive examples, a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment.⁴ The current and proposed amended definitions are set forth below.

Current Definition: "A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), or an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS)."

Proposed Amended Definition: "A Trading Platform is any execution platform operated as or by a registered

National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS), or any other system, facility, or platform (including but not limited to a broker crossing system not filed as an ATS, a systematic internalization system, or a decentralized blockchain-based or tokenized environment) through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity."

The change is intended to capture changes in the evolving landscape of market structure and trading technology, including the increasing use of functionally equivalent execution systems that operate outside the three enumerated categories. For example, under the current definition, a platform operated as or by a registered National Securities Exchange, an Alternative Trading System, or an Electronic Communications Network plainly constitutes a Trading Platform and is thus subject to the applicable fees associated with a Trading Platform.⁵ However, a functionally equivalent system that performs the same execution function—such as a single-dealer platform that internalizes and/or facilitates execution of client order flow, or a decentralized or tokenized execution venue—is not expressly named in the current enumerated categories, despite performing the same execution function as the enumerated venues. To facilitate more consistent and equitable outcomes across functionally equivalent venues, the Exchange proposes to add this language so that "Trading Platform" better covers the intended scope of execution venues.

The new framework operates as a functional, use-based standard. It reaches any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, regardless of the execution model employed. The definition expressly covers both (i) systems that match third-party orders against one another and (ii) systems in which the operator or its affiliate executes third-party orders in a principal trading capacity. Accordingly, a single-dealer platform that internalizes

and/or facilitates execution of client order flow falls within the definition on its face. The parenthetical examples—a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment—are illustrative only and the amended definition is not intended to limit the scope of the broader category. The requirement that orders be "systematically executed by electronic means" distinguishes covered systems from manual, negotiated, or voice-brokered bilateral trading.

The amended definition is intended to capture emerging technologies and execution venues that are functionally analogous to venues with established regulatory definitions—including tokenized order books or decentralized execution protocols, to the extent they perform or support an execution function, and other novel platforms. These venues operate in a manner similar to defined legacy execution platforms and should be treated as such. The examples set out in the definition—broker crossing systems not filed as ATSs, systematic internalization systems, and decentralized blockchain-based or tokenized environments—as well as the references to single-dealer platforms in this filing, are illustrative of this approach, not an exhaustive list, and the definition applies to any system through which third-party orders are systematically executed by electronic means, regardless of label.

The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity as to the scope of "Trading Platform," with new and emerging execution technologies in mind. The Exchange notes that this update better aligns itself with the ongoing evolution of market structure and industry practice.⁶

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁷ Specifically, the Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁸ 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.

³ The Exchange initially submitted the proposed rule change on September 1, 2026 (SR-CboeEDGX-2026-058). On October 19, 2026, the Exchange withdrew that filing and submitted this proposal.

⁴ The Exchange notes that its proposed definition is similar to NYSE's Category 3 of Non-Display Use which is intended to apply to trading platforms. NYSE states in its policies that "This category applies to use in trading platform(s), such as, but not restricted to, alternative trading systems (ATSs), broker crossing networks, broker crossing systems not filed as ATSs, dark pools, multilateral trading facilities, exchanges and systematic internalization systems." See NYSE_Market_Data_Complete_Policy_Package.pdf.

⁵ For example, a Trading Platform is subject to a fee of \$5,000/month for EDGX Depth for Non-Display Usage, while a non-Trading Platform is subject to a fee of \$2,000/month for this. See EDGX Equities Fee Schedule.

⁶ See supra note 4.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4).

Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed definition change 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 change is intended to capture changes in the evolving landscape of market structure and trading technology, and to ensure that the term “Trading Platform” is applied consistently and comprehensively to functionally equivalent execution systems, regardless of the underlying technology or business model. As noted above, the amended definition is intended to reach any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching or by principal execution by the operator or its affiliate—including, for example, a single-dealer platform that internalizes order flow, as well as decentralized or tokenized execution venues. A definition that excluded single-dealer platforms on the basis of their bilateral structure would draw an arbitrary line between venues that use market data in the same way. Applying the definition on a consistent, function-based basis to all functionally analogous venues, legacy and emerging alike, ensures equal treatment and avoids selective application. By ensuring that similar venues are treated alike, the proposed definition supports the equitable allocation of fees and avoids disparate treatment of functionally equivalent venues that do not meet an existing definition. The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity on the platforms that should be covered under the definition, with new and emerging trading technologies in mind.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is grounded in the Exchange’s efforts to compete more effectively (e.g., by updating its definition of Trading Platform to conform with changes in the

industry).¹⁰ As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intramarket competition, as the revised definition applies uniformly to all market participants that meet the definition of Trading Platform, regardless of their specific business model or the technology employed by the execution venue.

Further, the proposed change to update the Trading Platform definition does not create an unnecessary or inappropriate inter-market burden on competition because it merely updates the Exchange’s definitions to ensure consistency with the evolving technological landscape. Indeed, this proposal ensures that the Exchange’s Fee Schedule accurately reflects the current scope of execution venues. The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition.

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 Act¹¹ and paragraph (f) of Rule 19b-4¹² thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2026-072 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2026-072. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2026-072 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106706; File No. SR-OCC-2026-009]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change by The Options Clearing Corporation Concerning Amendments to Clearing Member Standards

October 21, 2026.

I. Introduction

On August 19, 2026, the Options Clearing Corporation (“OCC”) filed with the Securities and Exchange

¹⁰ See *supra* note 4.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹³ 17 CFR 200.30-3(a)(12).

⁹ 15 U.S.C. 78f(b)(5).

Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change to amend OCC’s requirements and procedures for membership as well as protective measures and sanctions including, but not limited to, the suspension of members (hereinafter “Proposed Rule Change”). The Proposed Rule Change was published for comment in the **Federal Register** on September 8, 2026.³ The Commission received comments from interested persons.⁴ For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

OCC is a central counterparty (“CCP”), which means that, as part of its function as a clearing agency, it interposes itself as the buyer to every seller and the seller to every buyer for financial transactions. As the CCP for the listed options markets in the United States,⁵ as well as for certain futures and stock loans, OCC is exposed to various risks arising from providing clearance and settlement services to its Clearing Members because OCC is obligated to perform on the contracts it clears.⁶ OCC mitigates such risks, in part, by setting requirements for its members (and applicants to become members), the protective measures OCC may impose to manage specific risks, and the sanctions OCC may impose where members do not comply with the requirements of membership.

Generally, the proposed changes affect OCC’s requirements and procedures for membership as well as protective measures and sanctions including, but not limited to, the suspension of members. The proposed changes related to membership include conditions for admission of clearing member applicants as well as standards for existing Clearing Members. The proposed changes also include the

adoption of several new definitions, technical, clarifying changes, amendments to OCC’s governance standards, and, generally, the adoption of new rules relating to risk mitigation practices.

A. Clearing Membership

As noted above, OCC proposes changes to its membership rules. The proposed changes would address the conditions for admission of clearing member applicants as well as the who are authorized to approve or deny such applications. The proposed changes also would address the ongoing requirements for Clearing Members.

1. Confidentiality Standards

OCC’s proposed confidentiality standards apply generally to its membership rules. Proposed Rule 207(d) sets forth the standards Clearing Members must observe when maintaining or exchanging “OCC Confidential Information”⁷—the proposed rule demands that members exercise a standard of care that it would employ to protect its own confidential information, but not less than a reasonable standard of care. The proposed rule further acknowledges that breach of confidentiality may result in OCC seeking injunction or other equitable relief against the breaching party and states that the rule does not preclude or otherwise prohibit OCC from providing confidential information to the government or other regulatory authority.

2. Conditions for Admission

OCC proposes several changes to its Clearing Membership eligibility and admission standards, which are generally set forth in Chapter II of its rules. First, proposed rule 201(b) requires Clearing Members or applicants to maintain an operating history of at least one year in the same or substantially same business activities the member or applicant applies for. Alternatively, the member or applicant can maintain senior personnel with sufficient background or experience in such business activities.

Rule 204 sets forth OCC’s Conditions to Admission. OCC proposes to amend its rules with regard to who is authorized to approve or deny applications for Clearing Membership.

In 2016, OCC vested authority to approve or disapprove new membership applications in the risk committee of its board of directors (the “Risk Committee”) and delegated authority to approve certain applications to specific members of OCC management.⁸ Now, OCC proposes to allow the Risk Committee to delegate, to its designated delegates or agents, the ability to approve or deny new applications or reapplications. Specifically, OCC proposes amending Rules 203(b) through (e), Rule 204(a), (c) through (e), and (l) to include the phrase “or its designated delegates or agents,” which would vest in OCC’s management the Risk Committee’s authority to approve or deny certain applications and reapplications for Clearing Membership and requests for business expansion. OCC states that the purpose of permitting such delegation is streamline and accelerate the decision-making process and approval, while continuing to utilize a risk-based decision-making approach.⁹ OCC states further that the change would eliminate the need to wait until scheduled quarterly Risk Committee meetings to determine whether it will approve such applications or business expansion requests.¹⁰

The proposed changes would also amend an applicant’s obligations to notify OCC regarding Statutory Disqualification. Specifically, OCC proposes to require that such notifications be provided not only where an applicant or Key Person¹¹ is subject to a Statutory Disqualification, but also where the applicant or person is subject to formal investigation by a regulatory organization. OCC proposes to require that such notice be provided within two business days.

OCC next proposes amending Chapter II to include new Rules 204(e), (f) and (g). Rule 204(e) would set forth the standards by which OCC may disapprove an application or reapplication for membership or otherwise restrict denied applicants from reapplying upon becoming aware of any facts or circumstances about said applicant or reapplicant that poses

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 106264 (Sept. 2, 2026), 91 FR 57183 (Sept. 8, 2026) (File No. SR–OCC–2026–009) (“Notice”).

⁴ Comments on the Proposed Rule Change are available at <https://www.sec.gov/rules-regulations/public-comments/sr-occ-2026-009>.

⁵ OCC describes itself as “the sole clearing agency for standardized equity options listed on national securities exchanges registered with the commission.” See Securities Exchange Act Release No. 105208 (Apr. 10, 2026), 91 FR 20192, 20193 (Apr. 15, 2026) (File No. SR–OCC–2026–003).

⁶ Capitalized terms used but not defined herein have the meanings specified in OCC’s Rules and By-Laws, available at <https://www.theocc.com/company-information/documents-and-archives/by-laws-and-rules>.

⁷ OCC proposes to define the term OCC Confidential Information as all non-public information provided by OCC that is marked or, under the circumstance surrounding disclosure, otherwise identified in writing prior to disclosure to the recipient as “confidential” or “business sensitive” and is designated by OCC as confidential or the recipient knows or ought to reasonably know is confidential.

⁸ See Securities Exchange Act Release No. 78277 (July 11, 2016), 81 FR 16718 (July 15, 2016) (File No. SR–OCC–2016–007).

⁹ See Notice, 91 FR at 57187.

¹⁰ See *id.* at 57204.

¹¹ OCC proposes to define the term Key Person to include any person associated with a Clearing Member or applicant that OCC deems is critical to the Clearing Member or applicant’s operations or risk management, including, but not limited to, the Clearing Member’s President, Chief Executive Officer, Chief Financial Officer, Chief Risk Officer, and Chief Compliance Officer, or equivalent positions, or a major shareholder or partner.

elevated risk to OCC or otherwise impacts the suitability of the applicant as a Clearing Member. Such revisions would include allowing denial of an application where a Key Person becomes an elevated risk to OCC or impacts the suitability of the applicant as a Clearing Member.¹² Rule 204(f) would require a denied applicant to address the specific grounds for denial prior to reapplying for membership. Rule 204(g) would require an applicant to maintain physical office space unless OCC determines that the applicant's use of a remote office remote model does not present a heightened risk to OCC. Lastly, proposed Rule 204(g) would make an applicant subject to OCC's procedure for conducting on-site visits to an applicant's facility as part of OCC's onboarding process. OCC believes the use of a fully remote, non-hybrid, office model may introduce challenges for OCC to communicate with the applicant and perform an onsite examination of the applicant, therefore posing heightened risk to OCC.¹³

OCC is also amending Rule 204(h) (which concerns conditional approval of an application) to explicitly state that approval of an application may be conditioned on Clearing Fund deposits and operational testing requirements. OCC's changes to Rule 204 also include an amendment to Rule 204(l), which states that any imposed conditions will remain in effect until OCC judges that the heightened risks presented by the member are sufficiently reduced. Other changes to the rules governing conditions to admission include (i) empowering OCC to deny an application for failure to respond to requests for information under proposed Rule 204(j); (ii) stating explicitly that OCC may share information provided by

an applicant with designated examining authorities under proposed Rule 204(k); and (iii) requiring that an applicant provide to OCC its business plan, supported by financial projections and assumptions under proposed Rule 204(m). Additional changes to Rule 204 would authorize OCC to impose risk-based limitations, restrictions and contingencies on applicants under proposed Rule 204(n)¹⁴ and to request that an applicant provide the annual audited financial statements from its parent or affiliate under proposed Rule 204(p).

3. Ongoing Membership Standards

In addition to the conditions and requirements for applicants, OCC proposes to amend the standards to which current Clearing Members must adhere. For example, OCC proposes amendments to Rule 301(b), which would permit OCC to establish discretionary, risk-based minimum capital levels higher than those specified in current Rule 301. The proposed change aims to strengthen financial responsibility obligations for existing Clearing Members.¹⁵ OCC's amendments to Rule 301(d) would require that every Clearing Member furnish copies of its contingency planning procedures upon OCC's request.

Likewise, OCC proposes substantive amendments and clarifying changes to Rules 302(b), 302(c), and 302(f). Consistent with the proposed changes to Rule 204(g) described above, proposed Rule 302(b) would require Clearing Members to maintain a physical office unless OCC deems the member's fully remote office model does not present a heightened risk to OCC. Moreover, Rule 302(b) would subject Clearing Members' physical offices to on-site visits from OCC with no more than 24-hours' notice. Similarly, OCC proposes amending Rule 302(c) to clarify that a member must make its books and records available for inspection by OCC upon request.

Next, OCC proposes to update Rule 303(a) to require Clearing Members to employ individuals with relevant industry experience in senior management roles or equivalent positions (e.g., President of Chief Executive Officer). In addition, OCC proposes amending Rule 305, which concerns Clearing Member Risk Management, to explicitly state that following periodic review(s) of a

Clearing Member's risk management framework, any of OCC's actions or subsequent imposition of protective measures will be based on its review of a Clearing Member's written risk management policies, practices, and procedures.

OCC proposes various changes to Rule 306A, which sets forth the standards for event-based reporting. Under the rule, Clearing Members must notify an officer of OCC prior to 3:00 p.m. Central Time on the next business day if certain, triggering events occur—OCC's proposed rule changes clarify under what circumstances a Clearing Member must report. To clarify Rule 306A's meaning, OCC proposes amending the entirety of the rule to reference Rule 101 definitions, where applicable. OCC also proposes changing Rule 306A(1)(a) clarify that OCC's reporting requirements do not supersede laws applicable to the member that might prevent disclosure of such notice to OCC; OCC adopted the same requirement for eligible bank Clearing Members in Rule 306A(a)(5)(D). In addition, OCC proposes changing Rule 306A(a)(2)(A)(i) to require that a Clearing Member report to OCC when its net capital is less than the greater of 20% above the applicable member's minimum capital requirement. Rule 306(a)(4)(B)(i) sets forth the same requirement for non-U.S. securities firms.

OCC's proposed change to Rule 306B(b) would require Clearing Members to provide OCC with a complete copy of the annual audited financial statements of the Clearing Member's parent or affiliate; if such statements are not available, the member must provide unaudited financial statements, or applicable financial information, upon OCC's request. In addition, OCC proposes adding Rule 306B(f), which would explicitly require Clearing Members to provide accurate, complete and timely responses to its annual and periodic due diligence information requests.

Lastly, OCC proposes amending Rule 2212 to require all clearing members that are participants of the Stock Loan/Hedge program to register their existing Master Securities Loan Agreement relationship within OCC's clearing system.¹⁶ OCC's proposed changes to

¹² Rule 204(e) describes circumstances that may pose elevated risks to OCC which may include concerns with the result of an independent assessment of an applicant's "AML" program of "OFAC" sanctions list and sanctions list data. Proposed Rule 101 would define the term "AML," when used in respect of an applicant of Clearing Member's AML controls, as meaning compliance with anti-money laundering requirements imposed under United States law or comparable requirements in the Clearing Member's jurisdiction. In addition, Proposed Rule 101 would define "OFAC" as meaning the U.S. Department of Treasury's Office of Foreign Asset Control.

¹³ See Notice, 91 FR at 57192. OCC believes that an applicant's lack of maintaining any physical office facility presents risks that would not exist in a hybrid office model where an applicant may have some form of physical office to allow for in-person communication. OCC believes the risks posed by an applicant that is fully remote include, but are not limited to, challenges in communication between the applicant's staff and OCC, and the lack of visibility that OCC may have into the applicant's operational stability that could be mitigated during an on-site visit or in-person meeting. *Id.*

¹⁴ Additionally, an application approved with contingencies may subject a conditional member to a twelve-month probationary period pursuant to proposed Rule 204(o).

¹⁵ Notice, 91 FR at 57194.

¹⁶ OCC also proposes a technical update to Rule 302(f) to rescind the term "Stock Loan/Hedge" and replace it with the term "Market Loan," which accurately identifies the Market Loan Program described in the rule—such an update would clarify what members and applicants are subject to the aforementioned conditions to admission. This technical change comports with the OCC's proposed changes to Rule 2212, which concerns the

Rule 2212 also include removing the modifying term “Hedge” from Rule 2212’s text and removing the phrase “within the Stock Loan/Hedge Program” from Rule 2212(a).

B. Admission and Disciplinary Proceedings

1. Membership Applications

OCC proposes changes to its rules regarding the process provided both to applicants for membership as well as to members subject to disciplinary sanctions. OCC proposes adopting rules setting forth in expanded detail the processes and procedures for review of an application or reapplication by the Risk Committee or its delegates, which include: (i) the procedures to request a hearing following denial of an application or reapplication; (ii) procedure for submitting, precedent to a hearing, a concise statement setting for a member’s objection to the denial; and (iii) the specific procedures for conducting a hearing before the risk committee, including, but not limited to, procedures for proffering documents and presenting testimony.¹⁷

In addition, OCC proposes adopting a rule explicitly stating that any decision by the Risk Committee or its delegate to deny an application or reapplication must be written and noticed to the applicant—the proposed changes go on to state that a decision rendered by OCC is final upon the date an applicant receives notice of said decision. Lastly, OCC’s proposed changes to Rule 203 include clarifying that any final decision to deny a reapplication pursuant to OCC Rule 309 constitutes grounds for summary suspension under OCC Rule 1102.

OCC’s rules currently require a Clearing Member to notify OCC of material changes (e.g., merger, sale, name change).¹⁸ OCC proposes to amend its rules to empower OCC to require a Clearing Member to reapply for membership following notice of such a change. OCC proposes adopting Rule 309 in connection with Rule 306A(b)(1)—Rule 309 sets forth the processes and procedures for reapplying for membership. Rule 309(a) would authorize OCC to require a Clearing Member to reapply for membership if OCC determines, in its sole discretion, that the financial or operational condition of a Clearing Member has materially changed or materially

changes the business strategy of the member in a manner that might adversely affect OCC. As proposed, Rule 309(b) would permit a Clearing Member to conditionally maintain its membership during the application period, notwithstanding any protective measures implemented pursuant to Rules 307 through 307C. Lastly, proposed Rule 309(c) would require that the denial of Clearing Membership following reapplication is subject to the process provided under Rule 203, as described above. Other proposed changes include amending rules 306A(a)(5)(C) and (D) to clarify that reporting obligations are triggered by the receipt of notice of any violation delineated in Rule 306A, amending Rule 306A(b)(1) to require that members provide notice of any material changes in its form of organization or ownership structure, and updating Rule 306A(c) to reference the newly adopted term “Key Person.”

2. Disciplinary Proceedings

OCC also proposes changes to Chapter XII, including amendments and clarifying additions to Rule 1201, which concerns sanctions. OCC proposes including among the sanctions available under Rule 1201(a) fines. OCC also proposes amending Rule 1201 to explicitly state that a Clearing Member may be sanctioned for violating statutory rules of OCC (*i.e.*, in addition to violating the By-Law and Rules). To clarify what conduct might constitute a sanction under the rule, OCC proposes adding Rules 1201(a)(1)–(5), which set forth examples of conduct that may warrant sanctions, including: (i) failure by a member to provide adequate personnel or facilities; (ii) failure by a member to comply with a protective measure proscribed under Rules 307 or 307C; (iii) exhibiting a pattern of tardily providing financial information; (iv) providing false financial information, or (v) exhibiting a pattern of regulatory or legal infractions.

3. Suspension of a Clearing Member

Further, OCC proposes to Chapter XI of its Rules modify the procedures for summary suspension of a Clearing Member. OCC proposes adding Rule 1101(b), which would require any non-U.S. Clearing Member subject to expulsion or suspension by a non-U.S. regulatory agency or securities exchange to immediately notify OCC of any such occurrence. OCC also proposes amending Rule 1102(b)(5) to include examples of when a member is in such financial or operating difficulty that OCC may exercise its discretion to suspend the member (e.g., the member

loses access to sufficient financial resources or the ability to participate in default management activities). Under the proposed changes to Chapter XI, a Clearing Member could also be subject to suspension if it is in default in the payment of funds or other obligations in respect of Rule 707 X–M accounts or if it does not meet OCC’s membership standards following reapplication under Rule 309. Lastly, OCC proposes an amendment clarifying that any event described in Rule 1102(a) constitutes a “default” and any default under any part of the rules must be noticed to OCC’s Board if the suspension determination is made by any agent of OCC other than the Board itself.

C. Clearing Member Risk Criteria

OCC proposes to expand Rule 307(a) to include in the universe of risks factors that may precipitate the imposition of protective measures “market risk” and “regulatory or compliance risks.” In addition, OCC proposes amending Rule 307 to state that new Clearing Members may be subject to enhanced monitoring and surveillance. OCC also proposes adding Rules 307(b) and (c), which empower OCC to impose protective measures on any Clearing Member or applicant at their discretion, on a case-by-case basis depending on factors which include, but are not limited to, the member or applicant’s financial or operational risk profile.

OCC proposes amending Rule 307B(b) to include new procedures relating the imposition of restrictions on certain transactions, positions and activities, which include: (i) requiring a Clearing Member to notice in writing its objections to any imposed restrictions and its intent to retain counsel; (ii) specifying OCC’s notice of hearing obligations and stating that any hearing will proceed pursuant to Rule 203(b)(6); and (iii) setting forth the procedure and requirements by which OCC will provide a member a notice of its final decision.

OCC also proposes amending Rule 307C, which delineates additional operational, personnel, financial, and risk management requirements, to empower OCC to require a financial guaranty from a Clearing Member’s parent company or affiliate, to impose limitations on a member’s financial leverage, to require a member to fill a key risk management or operational role created by the loss of a Key Person, or to require that members implement or enhance certain internal controls, procedures or systems.

procedures for closing out a Clearing Member’s Match-Book Positions following suspension.

¹⁷ See generally OCC Rule 203(b)(6).

¹⁸ See OCC Rule 306A(b). Proposed changes to OCC Rule 306A are described above in Section II.A.3.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to the organization.¹⁹ Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change."²⁰

Based on a review of the Proposed Rule Change, the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to OCC. The Proposed Rule Change is consistent with Sections 17A(b)(3)(F),²¹ 17A(b)(3)(H),²² 17A(b)(4)(B),²³ 17A(b)(5)²⁴ of the Exchange Act, and Rules 17ad–22(e)(18)²⁵ thereunder.

A. Consistency With Sections 17A(b)(3)(F) and 17A(b)(4)(B) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires that the rules of a clearing agency are designed, in general, to protect investors and the public interest while not being designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency.²⁶ Relatedly, Section 17A(b)(4)(B) of the Exchange Act provides that a clearing agency may deny participation to, or condition the participation of, any person if such person does not meet such standards of financial responsibility, operational capability, experience, and competence as are prescribed by the rules of the clearing agency.²⁷ Section 17A(b)(4)(B) of the Exchange Act also provides that a registered clearing agency may examine and verify the qualifications of an applicant to be a participant in accordance with procedures established by the rules of the clearing agency.²⁸

As described in Section II.A.2, OCC proposes to authorize the Risk

Committee to continue to approve or deny applications and to delegate such authority to streamline the process. The proposed change would continue to rely on the current risk-based decision-making approach to reviewing applications without requiring an applicant to wait for a quarterly meeting of the Risk Committee for final determination. Although the initial decision could be made by a delegatee, an applicant would continue to have the right to challenge a denial before the Risk Committee, preserving Board-level oversight of the process.

Further, OCC proposes changes to the substantive requirements both for applicants and members addressing various concerns. As described above, OCC proposes changes related to financial responsibility, including the change to OCC Rule 301(a) that would authorize OCC to increase a Clearing Member's minimum capital requirement to mitigate various risks (e.g., an inadequate liquidity profile)²⁹ and the proposed new section (p) of OCC Rule 204 that would authorize OCC to require an applicant to produce the financial statements of its parent or affiliate. Other proposed changes pertain to an applicant's or member's operations, such as compliance with the confidentiality requirements of proposed OCC Rule 207(d), the physical office requirements of proposed Rules 204(g) and 302(b), and the books and records requirements of proposed Rule 302. The proposal also includes changes related to experience and competence, such as the requirement for a viable business plan under proposed OCC Rule 204(m), an operating history of one year or for an applicant or Clearing Member to employ sufficiently experienced senior personnel in the relevant area of business activity under proposed OCC Rule 201(b), and responsibilities for employing risk management personnel under proposed Rule 303. OCC also proposes replacing a reference in the definition of the term "Office" to Rule 201 with a reference to Rule 302 to comport with proposed rule changes to Chapter II Clearing Membership and Chapter III Membership Standards.

One commenter took issue with the addition of certain requirements for applicants and members stating that the proposal erects nearly insurmountable

barriers for anyone trying to enter the market.³⁰ Specifically, the commenter states that requiring an established operating history penalizes lean startups and that "[m]andating traditional physical office facilities disregards modern, secure remote infrastructure, forcing early-stage teams to absorb unnecessary real estate expenses before generating revenue."³¹

With regard to the year of operating history, OCC states that this proposed requirement would provide OCC with additional data or information (e.g., an applicant or Clearing Member's operating history and its senior management's employment history) to determine whether they meet OCC's membership standards.³² With regard to the requirement for a physical office, OCC explains that the purpose of the proposed requirement is to address issues of communication and transparency.³³

Based on the information provided, the proposed requirements around operations, experience, and competence are consistent with the Exchange Act. The Exchange Act does not permit unfair discrimination, but it does acknowledge the potential need to deny participation based on specific criteria. The commenter's concern regarding a one-year operating history ignores the alternative that OCC offers in its proposed rules (e.g., employing sufficiently experienced personnel). Similarly, the proposed rules allow for a scenario in which an applicant or member may operate in a fully remote business model but allow OCC to assess the potential risks of such an operating model. OCC is permitted to adopt rules that limit participation to the extent such rules are consistent with the requirements of the Exchange Act, such as not discriminating unfairly and not imposing a burden on competition that is not unnecessary or inappropriate.

Accordingly, the Proposed Rule Change is consistent with the requirements of Sections 17A(b)(3)(F) and 17A(b)(4)(B) of the Exchange Act.³⁴

B. Consistency With Sections 17A(b)(3)(H) and 17A(b)(5)(B) of the Exchange Act

Section 17A(b)(3)(H) of the Exchange Act requires that the rules of a clearing agency are in accordance with the

¹⁹ 15 U.S.C. 78s(b)(2)(C).

²⁰ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

²¹ 15 U.S.C. 78q–1(b)(3)(F).

²² 15 U.S.C. 78q–1(b)(3)(H).

²³ 15 U.S.C. 78q–1(b)(4)(B).

²⁴ 15 U.S.C. 78q–1(b)(5).

²⁵ 17 CFR 240.17ad–22(e)(18).

²⁶ 15 U.S.C. 78q–1(b)(3)(F).

²⁷ 15 U.S.C. 78q–1(b)(4)(B).

²⁸ *Id.*

²⁹ A commenter supported the proposed change regarding minimum capital requirements. Comment from Sarthak Gupta (Sept. 25, 2026), available at <https://www.sec.gov/comments/SR-OCC-2026-009/srocc2026009-3721146.htm>. The commenter raised "[t]hree points that could make the proposal stronger before approval" but did not condition support on any of these points. *Id.* OCC did not amend its filing, and the analysis here reflects consideration of the proposal as filed.

³⁰ Comment from Anonymous Prospective Market Participant (Sept. 4, 2026), available at https://www.sec.gov/comments/SR-OCC-2026-009/srocc2026009-3349768_0.htm.

³¹ *Id.*

³² See Notice, 91 FR at 57186.

³³ See *id.* at 57192.

³⁴ 15 U.S.C. 78q–1(b)(3)(F) and 15 U.S.C. 78q–1(b)(4)(B).

provisions of Section 17A(b)(5) of the Exchange Act, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.³⁵ Section 17A(b)(5)(B) of the Exchange Act provides for the requirements related to any proceeding by a clearing agency to determine whether a person shall be denied participation or prohibited or limited with respect to access to services offered by the clearing agency.³⁶

As described in Section II.B.2, OCC proposes changes to the procedures around the denial of participation whether through the review of a membership application or disciplinary proceedings. Regarding the review of applications, the proposed changes explicitly provide procedures for the request a hearing following denial of an application as well as how such a hearing would proceed. For example, the proposed rules require that such a hearing proceed before the Risk Committee. OCC's proposed changes also include amending Rules 203 and 309 (*i.e.*, OCC's admissions procedures), to cover and encompass reapplications for Clearing Membership. In addition, the proposed changes to Rule 203 include amendments that specify in detail the processes and procedures for requesting a hearing contesting the denial of a Clearing Membership application or reapplication. The proposed amendments to the admission procedures serve to provide applicants and reapplicants an opportunity to be heard upon and explicitly provides for OCC to keep a record of any such hearing. After a hearing, the proposed rules would require that OCC produce a written statement setting forth specific grounds underlying the risk committee's disapproval decision. More specifically, proposed Rule 203(b)(8) mirrors proposed Rule 1201(b), which provides the same with respect to a suspension or expulsion following disciplinary proceedings undertaken pursuant to Chapter XII.

Likewise, Rule 309(c), as described in Section II.B.1., is consistent with Section 17A(b)(5)(B) of the Exchange Act. Proposed Rule 309(c) provides that any decision to deny Clearing Membership following reapplication will be made pursuant to Rule 203. The admission procedures described in Rule

203 already provide for the requirements outlined in Section 17A(b)(5)(B) of the Exchange Act, specifically in proposed Rules 203(b)(3) and (4). OCC's proposed changes to Rule 1201, which governs sanctions and is described above in Section II.B.2., describes, defines and explicitly delineates the universe of sanctions that OCC may impose on a Clearing Member.

Accordingly, the Proposed Rule Change is consistent with the requirements of Sections 17A(b)(3)(H) and 17A(b)(5)(B) of the Exchange Act.³⁷

C. Consistency With Section 17A(b)(5)(C) Under the Exchange Act

Section 17A(b)(5)(C) of the Exchange Act authorizes a registered clearing agency to summarily suspend a participant who: (i) has been and is expelled or suspended from any SRO; (ii) is in default of any delivery of funds or securities to the clearing agency; or (iii) is in such financial or operating difficulty that the clearing agency determines that suspension of the participant is necessary for the protection of the clearing agency, its participants, creditors, or investors.³⁸ Section 17A(b)(5)(C) also provides that a summarily suspended participant shall be promptly afforded an opportunity for a hearing by the clearing agency in accordance with 17A(b)(5)(A) of the Exchange Act.³⁹

As described above, OCC proposes to reorganize and amend its rules pertaining to summary suspension of a Clearing Member. Specifically, the changes to Rule 1102(a) clarify upon what grounds OCC may summarily suspend a Clearing Member, by adding a nonexclusive list of scenarios involving financial or operating difficulty that may serve as grounds for suspension. The proposed changes would further clarify the current grounds for suspension related to OCC Rule 707 (*i.e.*, failure to meet an obligation in respect to cross-margin accounts). The proposed changes would also add a potential ground for suspension and proposed Rule 309 (*i.e.*, for Clearing Member who do not meet OCC's membership standards following reapplication). Further, the proposed changes would clarify that a summary suspension constitutes a default, following which OCC would cease to act for the suspended Clearing Member.

Accordingly, the proposed changes to Chapter XI of OCC's Rules are consistent

with the requirements of Section 17A(b)(5)(C) of the Exchange Act.⁴⁰

D. Consistency With Rule 17ad-22(e)(18) Under the Exchange Act

Rule 17ad-22(e)(18) under the Exchange Act requires a clearing agency, in part, to "[e]stablish objective, risk-based, and publicly disclosed criteria for participation" that "require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency" and "monitor compliance with such participation requirements on an ongoing basis."⁴¹

As discussed above, Section 17A(b)(4)(B) of the Exchange Act, the Proposed Rule Change would expand OCC's existing financial and operational membership standards to address specific risks such as allowing OCC to set higher capital requirements where a member has an inadequate liquidity profile. The proposed changes to Rules 204(g) and 302(b) allowing for on-site visits by OCC would facilitate OCC's ability to monitor for compliance with its participation requirements. Similarly, the proposed changes to Rules 306B, 307, 307B and 307C provide for additional notification and reporting requirements that support OCC's monitoring of its members as well as protective measures OCC may impose. Protective measures such as restricting transactions that pose additional risk or increasing operation, personnel, financial resource and risk management requirements would support OCC's ability to set membership requirements aimed to ensure that participants to have sufficient financial resources and robust operational capacity to meet obligations arising out of clearing transactions with OCC.

Accordingly, the Proposed Rule Change is consistent with the requirements of Rule 17ad-22(e)(18).⁴²

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, with the requirements of Sections 17A(b)(3)(F),⁴³ 17A(b)(3)(H),⁴⁴ 17A(b)(4)(B),⁴⁵ and 17A(b)(5)(B)⁴⁶ of the

³⁵ 15 U.S.C. 78q-1(b)(3)(H) and 15 U.S.C. 78q-1(b)(5)(B).

³⁶ 15 U.S.C. 78q-1(b)(5)(B).

³⁷ 15 U.S.C. 78q-1(b)(3)(H) and 15 U.S.C. 78q-1(b)(5)(B).

³⁸ 15 U.S.C. 78q-1(b)(5)(C).

³⁹ 15 U.S.C. 78q-1(b)(5)(C).

⁴⁰ 15 U.S.C. 78q-1(b)(5)(C).

⁴¹ 17 CFR 240.17ad-22(e)(18).

⁴² 17 CFR 240.17ad-22(e)(18).

⁴³ 15 U.S.C. 78q-1(b)(3)(F).

⁴⁴ 15 U.S.C. 78q-1(b)(3)(H).

⁴⁵ 15 U.S.C. 78q-1(b)(4)(B).

⁴⁶ 15 U.S.C. 78q-1(b)(5)(B).

Exchange Act, and Rule 17ad-22(e)(18)⁴⁷ thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Exchange Act⁴⁸ that the proposed rule change (SR-OCC-2026-009) be, and hereby is, approved.⁴⁹

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-21735 Filed 10-23-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106709; File No. SR-NYSEARCA-2026-103]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 7.18-E, 7.35-E(a)(8)(A), and 7.35-E(f) Regarding Trading Halts

October 21, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on October 7, 2026, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.18-E (“Trading Halts”) regarding Initial Listing Regulatory Halts, Rule 7.35-E(a)(8)(A) regarding the definition of “Auction Reference Price” for a Trading Halt Auction, and Rule 7.35-E(f) regarding IPO Auctions. The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) proposes to amend Rule 7.18-E (“Trading Halts”) regarding Initial Listing Regulatory Halts, Rule 7.35-E(a)(8)(A) regarding the definition of “Auction Reference Price” for a Trading Halt Auction, and Rule 7.35-E(f) regarding IPO Auctions.

Background

Rule 7.18-E(b)(1)(B) lists the types of discretionary regulatory halts the Exchange may declare, including, at subparagraph (i), an “Initial Listing Regulatory Halt.”

The Initial Listing Regulatory Halt was first adopted in 2018 on the Exchange’s affiliate exchange, the New York Stock Exchange LLC (“NYSE”), as NYSE Rule 123D(d).⁴ The text of that rule stated, in pertinent part, that the Exchange “may declare a regulatory halt in a security that is the subject of an initial pricing on the Exchange of a security that has not been listed on a national securities exchange . . . immediately prior to the initial pricing.”⁵ NYSE’s Rule 19b-4 filing in support of the rule specified that the purpose of the rule change was to “provide authority to declare a regulatory halt for a new listing that is not the subject of an IPO.”⁶ In its order

granting approval of the rule, the Commission noted that the rule “should facilitate the initial opening . . . of certain securities not listed in connection with an underwritten IPO”⁷

The Exchange adopted the Initial Listing Regulatory Halt as part of a reorganization of Rule 7.18-E (“Trading Halts”) that was implemented in August 2026.⁸ Rule 7.18-E(b)(1)(B)(1) defines the Initial Listing Regulatory Halt as “of a security that is the subject of an initial pricing on the Exchange that has not been listed on a national securities exchange immediately prior to initial pricing.”⁹

Proposed Change to Rule 7.18-E(b)(1)(B)(i)

The Exchange proposes to amend the text of Rule 7.18-E(b)(1)(B)(i) to explicitly specify that the Initial Listing Regulatory Halt does not apply to corporate securities that are subject to an IPO. The Exchange believes that the transparency and clarity of the rule would be enhanced by specifying that the Exchange may declare an Initial Listing Regulatory Halt if a security is the subject of an initial pricing on the Exchange, “except for (a) IPOs in equity securities that are not derivative security products, or (b) securities that are listed on a national securities exchange immediately prior to initial pricing.” Because both these exceptions are covered by the existing rule, the proposed change is not substantive, but rather clarifying in nature.

Proposed Changes to Rule 7.18-E(b)(5)(B)(v), Rule 7.35-E(a)(8)(A), and Rule 7.35-E(f)

Rule 7.18-E(b)(5)(B)(v) describes how the Exchange will resume trading after an Initial Listing Regulatory Halt. The current rule text provides that the Exchange “will resume trading after an Initial Listing Regulatory Halt when the security is open for trading,” but does not specify the mechanism by which the security will reopen.

The Exchange proposes to amend Rule 7.18-E(b)(5)(B)(v) to provide that “[t]he Exchange will resume trading after an Initial Listing Regulatory Halt with a Trading Halt Auction, except that an ETP New Issue as defined in Rule 7.35-E(f) will (a) reopen after 9:30 a.m.

that is having its initial listing on the Exchange, is not an IPO, and has not been listed on a national securities exchange . . . prior to the initial pricing.”)

⁷ See *supra* note 4, 83 FR at 5655.

⁸ See Securities Exchange Act Release No. 103476 (July 16, 2025), 90 FR 34314 (July 21, 2025) (SR-NYSEARCA-2025-50).

⁹ See *id.*

⁴⁷ 17 CFR 240.17ad-22(e)(18).

⁴⁸ 15 U.S.C. 78s(b)(2).

⁴⁹ In approving the Proposed Rule Change, the Commission considered the proposal’s impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁵⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See Securities Exchange Act Release No. 82627 (February 2, 2028), 83 FR 5650 (February 8, 2018) (SR-NYSE-2017-30) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of Proposed Rule Change as Modified by Amendment No. 3).

⁵ See NYSE Rule 123D(d) (SR-NYSE-2017-30 version).

⁶ See NYSE Form 19b-4 in support of SR-NYSE-2017-30, available at <https://www.nyse.com/publicdocs/nyse/markets/nyse/rule-filings/filings/2017/NYSE-2017-30,%20Am%203.pdf> (“Proposed Rule 123D(d) would provide authority for the Exchange to declare a regulatory halt for a security

ET with an IPO Auction, or (b) if the issuer elects, at or after 4:00 a.m. ET with a Trading Halt Auction.”

The proposed change to the first clause is not substantive. Currently, trading after an Initial Listing Regulatory Halt generally reopens with a Trading Halt Auction,¹⁰ which is the default process described in Rule 7.18–E(b)(5)(B).¹¹ Adding reference to a Trading Halt Auction in the base clause of Rule 7.18–E(b)(5)(B)(v) would add specificity without making any substantive change.

Similarly, proposed clause (v)(a) is also a non-substantive change, because it is already provided for in the Exchange’s rules. Rule 7.35–E(f) currently provides that an “ETP IPO Security” will participate in an IPO Auction during the Core Trading Session (*i.e.*, after 9:30 a.m. ET) on its first day of trading. The Exchange proposes to reference that rule in Rule 7.18–E(b)(5)(B)(v) to enhance the transparency and specificity of the rule. Concurrently with this change, the Exchange proposes to replace the term “ETP IPO Security” in current Rule 7.35–E(f) with “ETP New Issue,” which more accurately describes the initial listing of an ETP security on the Exchange. The term “ETP New Issue” would also be used in the proposed revision of Rule 7.18–E(b)(5)(B)(v), as indicated above.

Regarding proposed clause (v)(b), the Exchange recently amended Rule 7.35–E(f) to add that the issuer of an ETP IPO Security (*i.e.*, ETP New Issue) may elect to commence trading in the Early Trading Session (which commences at 4:00 a.m. ET) with an Early Open Auction.¹² The Exchange proposes to amend Rule 7.35–E(f) to conduct a Trading Halt Auction to open an ETP New Issue in the Early Trading Session and to reflect that change in the proposed clause (v)(b) of Rule 7.18–E(b)(5)(B).

This change is necessary in connection with the implementation of 23/5 Trading, under which trading on the Exchange will commence each day at 9:00 p.m. ET. Under that model, the Exchange could not conduct a 4:00 a.m. ET auction to open an ETP New Issue without first issuing a regulatory halt to prevent the security from trading

beginning at 9:00 p.m. ET. The Exchange, however, cannot operationally support commencement of trading in a security subject to a regulatory halt through an Early Open Auction and instead must use a Trading Halt Auction. Accordingly, the Exchange proposes to replace the reference in Rule 7.35–E(f) to “Early Open Auction” with “Trading Halt Auction” and include the reference to “Trading Halt Auction” in Rule 7.18–E(b)(5)(B)(v).

Substantively, a Trading Halt Auction differs from an Early Open Auction because it is conducted following a regulatory halt and is therefore subject to auction protections and pricing parameters, including, where applicable, auction collars. Pursuant to Rule 7.35–E(e)(5) and (6), if, at 4:00 a.m. ET, the Indicative Match Price is below (above) the Lower (Upper) Auction Collar, the Exchange will not conduct the Trading Halt Auction but will instead extend the time of the auction in increments of five minutes until the Trading Halt Auction can occur at the Indicative Match Price. As a result, as proposed, the timing of the Trading Halt Auction for an ETP New Issue may be at or slightly after 4:00 a.m. ET.

As part of this change, the Exchange proposes to amend the definition of “Auction Reference Price” for Trading Halt Auctions in Rule 7.35–E(a)(8)(A). The rule currently provides that the Auction Reference Price for a Trading Halt Auction will be “[t]he price of the last consolidated trade of at least one round lot of that trading day and, if none, the prior trading day’s Official Closing Price (except as provided for in Rule 7.35–E(e)(7)(A)).” An ETP New Issue would not have traded the prior day and would not have a prior trading day’s Official Closing Price, but it is customary for ETP issuers to provide exchanges with a value to use in place of that Official Closing Price (sometimes referred to as a “Seeding NAV”). Accordingly, to account for the opening of an ETP New Issue using a Trading Halt Auction, the Exchange proposes to add the following to the provision above: “or, in the case of an ETP New Issue, a value provided to the Exchange by the issuer.”¹³

The Exchange believes that this proposed change will not negatively impact issuers or market participants. ETP issuers have expressed a preference to retain the option to open ETP New Issues with an auction at or after 4:00 a.m. ET, notwithstanding that such trading would begin through a Trading Halt Auction instead of an Early Open Auction. While a Trading Halt Auction is subject to auction collars and extensions that do not apply to an Early Open Auction, the Exchange believes those features are designed to promote fair and orderly price discovery and reduce the likelihood of executions at prices that are not reasonably related to the value of the underlying ETP. Accordingly, the proposed change preserves issuers’ ability to launch ETP New Issues during the Early Trading Session while providing market participants with the additional pricing protections associated with a Trading Halt Auction.

Implementation

The Exchange proposes that this rule change would become operative at the commencement of 23/5 Trading, which is scheduled to commence industry-wide on December 6, 2026.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.¹⁴ Specifically, the proposal is consistent with Section 6(b)(5) of the Act¹⁵ because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes the proposed rule change would protect investors and the public interest and perfect the mechanism of a free and open market and a national market system by adding transparency and specificity to the rule.

Regarding the proposed change to Rule 7.18–E(b)(1)(B)(i), the existing text and the history of the rule are clear that an Initial Listing Regulatory Halt will not be used in the case of an IPO of a corporate security. The Exchange believes that stating that exception explicitly in the rule text will enhance

NOCP, Nasdaq’s MarketWatch Department retains discretion to set the Auction Reference Price.”

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁰ The term “Trading Halt Auction” is defined in Rule 7.35–E(e).

¹¹ Rule 7.18–E(b)(5)(B) provides: “The Exchange will resume trading after a Regulatory Halt other than a SIP Halt with a Trading Halt Auction pursuant to Rule 7.35–E, except as provided below”

¹² See Securities Exchange Act Release No. 105670 (June 11, 2026), 91 FR 36224 (June 16, 2026) (SR–NYSEARCA–2026–60).

¹³ The Exchange notes that there is precedent for a similar approach in Nasdaq Stock Market’s (“Nasdaq”) Rule 4120(b)(4)(A) regarding the resumption of trading after a Regulatory Halt other than an IPO or SIP Halt. Rule 4120(b)(4)(A)(i)(a)(1) provides that Nasdaq will establish an Auction Reference Price based on “(i) the Nasdaq last sale price (either round or odd lot); and (ii) if there is no Nasdaq last sale price, the prior trading day’s Nasdaq Official Closing Price (‘NOCP’),” and “[i]n the event there is no Nasdaq last sale price of

the transparency of the rule and benefit the public interest.

Similarly, the current text of Rule 7.18–E(b)(5)(B)(v) does not specify the mechanism for reopening trading after an Initial Listing Regulatory Halt, and the Exchange believes that explicitly specifying those mechanisms in the rule text will enhance the transparency of the rule and benefit the public interest. Rule 7.18–E(b)(5)(B) already states that a Trading Halt Auction is the default method of reopening after a Regulatory Halt other than a SIP Halt, and Rule 7.35–E(f) already provides that an ETP IPO Security (*i.e.*, ETP New Issue) generally opens with an IPO Auction. The proposed rule change would make those rules explicit in the text of Rule 7.18–E(b)(5)(B)(v), thereby adding further specificity and transparency to the Exchange's rules.

Finally, the proposal to amend Rule 7.35–E(f), to make a supporting change to Rule 7.35–E(a)(8)(A), and to reflect such changes in Rule 7.18–E(b)(5)(B)(v) to provide that the Exchange would use a Trading Halt Auction to open the security if the issuer of an ETP New Issue elects to commence trading in the Early Trading Session would remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest. The proposed change preserves the issuer's ability to choose that an ETP New Issue start trading in the Early Trading Session in the 23/5 Trading environment, while providing market participants with the additional pricing protections associated with a Trading Halt Auction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act¹⁶ in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act as explained below. The majority of the proposed changes are non-substantive and, rather than impacting competition, would simply enhance the specificity and transparency of the rule. As for the proposed change to use a Trading Halt Auction to open trading in an ETP New Issue where the issuer elects to start trading in the Early Trading Session, the Exchange understands that other listing exchanges are making similar changes to their rules in light of 23/5 Trading, and as such, the proposed change would

enhance, rather than burden, competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹⁷ and subparagraph (f)(6) of Rule 19b–4 thereunder.¹⁸

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSEARCA–2026–103 on the subject line.

¹⁷ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁸ 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁹ 15 U.S.C. 78s(b)(2)(B).

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–NYSEARCA–2026–103. 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–NYSEARCA–2026–103 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026–21739 Filed 10–23–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106716; File No. SR–CboeEDGA–2026–034]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 14.1 Regarding Information Circular Requirements

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on October 9, 2026, Cboe EDGA Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

²⁰ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

¹⁶ 15 U.S.C. 78f(b)(8).

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. ("EDGA" or the "Exchange") is filing with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to: (1) amend Rule 14.1(a) to add express cross-references to Rules 3.7 and 3.21; (2) delete current Rule 14.1(c)(1) in its entirety, thereby removing the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP Derivative Security³ that generally includes the same information as contained in the information circular approved by the listing exchange; (3) amend current Rule 14.1(c)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities; (4) renumber current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), respectively; and (5) make a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/edga/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to: (1) amend Rule 14.1(a) to add express cross-references to Rules 3.7 and 3.21; (2) eliminate the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP Derivative Security that generally includes the same information as contained in the information circular provided by the listing exchange as provided in current Rule 14.1(c)(1) by deleting Rule 14.1(c)(1) in its entirety; (3) amend current Rule 14.1(c)(2)(B) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities;⁴ (4) renumber current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), respectively; and (5) make a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2). The proposal is based on Cboe BZX Exchange, Inc. ("BZX") Rule 14.11(j).⁵

Rule 14.1(c) governs the trading of UTP Derivative Securities on the Exchange—securities listed on another national securities exchange that trade on the Exchange pursuant to unlisted trading privileges ("UTP"). Under current Rule 14.1(c)(1), the Exchange must distribute an information circular prior to the commencement of trading in each UTP Derivative Security that generally mirrors the information circular issued by the primary listing exchange, including: (a) the special risks of trading the Derivative Security; (b) the Exchange Rules that will apply to the Derivative Security, including Rule 3.7; (c) information about the dissemination of the value of the underlying assets or indexes; and (d) the risk of trading during the Early Trading Session (7:00 a.m.–8:00 a.m. Eastern Time), Pre-Opening Session (8:00 a.m.–9:30 a.m. Eastern Time) and the Post-Closing Session (4:00 p.m.–8:00 p.m. Eastern Time) due to the lack of calculation or dissemination of the

intra-day indicative value or a similar value. The Exchange proposes to delete Rule 14.1(c)(1) in its entirety.

The information circular requirement is unnecessary because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce. Members have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes.⁶ The Exchange's issuance of a separate, duplicative circular therefore serves no independent investor protection function. The existing Member-level suitability and customer disclosure obligations under Rules 3.7 and 3.21 continue to apply independently of the information circular requirement.

The Exchange also proposes to amend Rule 14.1(a) to add express cross-references to Rule 3.7

(Recommendations to Customers) and Rule 3.21 (Customer Disclosures). The Exchange is adding express cross-references to those rules in Rule 14.1(a) to enhance their visibility in the context of UTP Derivative Securities. These rules already apply to Members by operation of the Exchange's rulebook. The cross-references are intended to make the applicable framework explicit in the context of UTP Derivative Securities. Rule 3.7 independently requires Members to ensure that any recommendation of a UTP Derivative Security is suitable for the customer based on the customer's investment profile, a standing obligation that applies regardless of whether the Exchange has issued a product-specific information circular. Similarly, Rule 3.21 independently requires Members to disclose to customers the material risks of extended hours trading before accepting an order from a customer for execution in the Early Trading, Pre-Opening or Post-Closing Trading Session, a standing obligation not contingent on the Exchange's issuance of a product-specific information circular.

Because current Rule 14.1(c)(1) has historically served as the mechanism through which the Exchange satisfies the notification obligation under current Rule 14.1(c)(2)(B), deletion of Rule 14.1(c)(1) necessitates a conforming amendment to current Rule 14.1(c)(2)(B). The Exchange proposes to amend current Rule 14.1(c)(2)(B) to require that the written description referenced therein be provided in a form

⁴ As further described below, the Exchange will notify Members of the written description requirement under Rule 14.1(c)(2)(B) by means of an information circular. Such written description will only be required when required by the listing exchange.

⁵ See Securities Exchange Act Release No. 105715 (June 17, 2026) 91 FR 37477 (June 23, 2026) (SR-CboeBZX-2026-054).

³ See Exchange Rule 1.5(ee).

⁶ Such information circulars are generally available on the primary listing market's website.

approved by the listing exchange or prepared by the open-ended management company issuing such securities. The Exchange will notify Members by information circular that such written description will only be required when mandated by the listing exchange. This amendment is consistent with the broader purpose of the proposed rule change: where the listing exchange's information circular already provides Members with the information necessary to assess a UTP Derivative Security, a duplicative written description obligation serves no independent investor protection function. Members may rely on the listing exchange's information circular in the same manner and to the same effect.

Finally, the Exchange proposes to renumber current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), respectively, and to make a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2).

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.⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ 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)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed deletion of current Rule 14.1(c)(1) is consistent with the Act because the primary listing exchange's information circular already provides Members with the same disclosures that the Exchange's information circular would contain. The

investor protection functions historically served by the information circular requirement are independently addressed through the primary listing exchange's information circular and the Member-level obligations imposed by Rules 3.7 and 3.21, to which the Exchange proposes to add express cross-references in Rule 14.1(a). The proposed amendment to current Rule 14.1(c)(2)(B) ensures that where a written description is required, it is provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, thereby aligning the Exchange's requirements with those of the primary listing market. The Exchange will further notify Members by information circular that such written description will only be required when mandated by the listing exchange, ensuring that no duplicative obligation is imposed where the listing exchange has not determined one to be warranted. The renumbering of current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4), and the conforming amendment to Interpretations and Policies .01 updating the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2), are ministerial. Additionally, as discussed above, the proposal does not raise any novel issues not previously considered by the Commission. For these reasons, the Exchange believes the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change: (1) adds express cross-references to Rules 3.7 and 3.21 in Rule 14.1(a), which does not impose any new obligations on Members; (2) eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue by deleting current Rule 14.1(c)(1); (3) aligns the written description obligation under current Rule 14.1(c)(2)(B) with the primary listing market's requirements; (4) renumbers current Rules 14.1(c)(2) through (5) as Rules 14.1(c)(1) through (4); and (5) makes a conforming amendment to Interpretations and Policies .01 to update the cross-reference from Rule 14.1(c)(3) to Rule 14.1(c)(2), which is ministerial. The proposed rule change does not alter the terms or conditions under which UTP Derivative Securities may be traded on the Exchange, impose any new requirements on Members, or

affect the ability of any market participant to access the Exchange's markets. Members will continue to have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes as the Exchange's information circular. The proposed amendment to current Rule 14.1(c)(2)(B) aligns the written description obligation with the primary listing market's requirements and does not impose any burden on Members beyond what the primary listing market itself requires. Accordingly, the Exchange does not believe the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6)¹¹ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹² and Rule 19b-4(f)(6)¹³ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹⁴ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),¹⁵ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ 17 CFR 240.19b-4(f)(6)(iii).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ *Id.*

waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce.¹⁶ The Exchange also notes that the proposed rule change does not alter the terms or conditions under which UTP Derivative Securities may be traded on the Exchange. For these reasons, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGA-2026-034 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CboeEDGA-2026-034. This file number should be included on the

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGA-2026-034 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-21736 Filed 10-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106712; File No. SR-CboeBYX-2026-040]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Update the Definition of Trading Platform

October 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 19, 2026, Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") proposes to amend its Fee Schedule to update the definition of "Trading Platform." The

text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website (https://www.cboe.com/us/equities/regulation/rule_filings/byx/), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the definition of "Trading Platform" set forth in the Definitions section of its Fee Schedule.³ The existing definition enumerates three categories of execution venue—a registered National Securities Exchange, an Alternative Trading System, and an Electronic Communications Network. The Exchange now seeks to amend this definition to add a functional, use-based category—namely, any other system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity—so that the term also captures other systems that perform a functionally equivalent execution function. The amended definition identifies, as non-exhaustive examples, a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment.⁴ The current

³ The Exchange initially submitted the proposed rule change on September 1, 2026 (SR-CboeBYX-2026-031). On October 19, 2026, the Exchange withdrew that filing and submitted this proposal.

⁴ The Exchange notes that its proposed definition is similar to NYSE's Category 3 of Non-Display Use which is intended to apply to trading platforms. NYSE states in its policies that "This category

Continued

¹⁶ The Exchange represents that such information circulars are generally available on the primary listing market's website. See *supra* note 6.

¹⁷ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁸ 17 CFR 200.30-3(a)(12) and (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

and proposed amended definitions are set forth below.

Current Definition: “A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), or an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS).”

Proposed Amended Definition: “A Trading Platform is any execution platform operated as or by a registered National Securities Exchange (as defined in Section 3(a)(1) of the Exchange Act), an Alternative Trading System (as defined in Rule 300(a) of Regulation ATS), an Electronic Communications Network (as defined in Rule 600(b)(23) of Regulation NMS), or any other system, facility, or platform (including but not limited to a broker crossing system not filed as an ATS, a systematic internalization system, or a decentralized blockchain-based or tokenized environment) through which orders of persons other than the operator are systematically executed by electronic means, whether by matching such orders against one another or by the operator or its affiliate acting in a principal trading capacity.”

The change is intended to capture changes in the evolving landscape of market structure and trading technology, including the increasing use of functionally equivalent execution systems that operate outside the three enumerated categories. For example, under the current definition, a platform operated as or by a registered National Securities Exchange, an Alternative Trading System, or an Electronic Communications Network plainly constitutes a Trading Platform and is thus subject to the applicable fees associated with a Trading Platform.⁵ However, a functionally equivalent system that performs the same execution function—such as a single-dealer platform that internalizes and/or facilitates execution of client order flow, or a decentralized or tokenized execution venue—is not expressly named in the current enumerated categories, despite performing the same

execution function as the enumerated venues. To facilitate more consistent and equitable outcomes across functionally equivalent venues, the Exchange proposes to add this language so that “Trading Platform” better covers the intended scope of execution venues.

The new framework operates as a functional, use-based standard. It reaches any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, regardless of the execution model employed. The definition expressly covers both (i) systems that match third-party orders against one another and (ii) systems in which the operator or its affiliate executes third-party orders in a principal trading capacity. Accordingly, a single-dealer platform that internalizes and/or facilitates execution of client order flow falls within the definition on its face. The parenthetical examples—a broker crossing system not filed as an ATS, a systematic internalization system, and a decentralized blockchain-based or tokenized environment—are illustrative only and the amended definition is not intended to limit the scope of the broader category. The requirement that orders be “systematically executed by electronic means” distinguishes covered systems from manual, negotiated, or voice-brokered bilateral trading.

The amended definition is intended to capture emerging technologies and execution venues that are functionally analogous to venues with established regulatory definitions—including tokenized order books or decentralized execution protocols, to the extent they perform or support an execution function, and other novel platforms. These venues operate in a manner similar to defined legacy execution platforms and should be treated as such. The examples set out in the definition—broker crossing systems not filed as ATSs, systematic internalization systems, and decentralized blockchain-based or tokenized environments—as well as the references to single-dealer platforms in this filing, are illustrative of this approach, not an exhaustive list, and the definition applies to any system through which third-party orders are systematically executed by electronic means, regardless of label.

The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity as to the scope of “Trading Platform,” with new and emerging execution technologies in mind. The Exchange notes that this update better aligns itself with the ongoing evolution

of market structure and industry practice.⁶

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁷ Specifically, the Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,⁸ 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed definition change 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 change is intended to capture changes in the evolving landscape of market structure and trading technology, and to ensure that the term “Trading Platform” is applied consistently and comprehensively to functionally equivalent execution systems, regardless of the underlying technology or business model. As noted above, the amended definition is intended to reach any system, facility, or platform through which orders of persons other than the operator are systematically executed by electronic means, whether by matching or by principal execution by the operator or its affiliate—including, for example, a single-dealer platform that internalizes order flow, as well as decentralized or tokenized execution venues. A definition that excluded single-dealer platforms on the basis of their bilateral structure would draw an arbitrary line between venues that use market data in the same way. Applying the definition on a consistent, function-based basis to all functionally analogous venues, legacy and emerging alike, ensures equal treatment and avoids selective application. By ensuring that similar venues are treated alike, the proposed definition supports the equitable allocation of fees and avoids disparate treatment of functionally equivalent venues that do not meet an existing

applies to use in trading platform(s), such as, but not restricted to, alternative trading systems (ATSs), broker crossing networks, broker crossing systems not filed as ATSs, dark pools, multilateral trading facilities, exchanges and systematic internalization systems.” See NYSE_Market_Data_Complete_Policy_Package.pdf.

⁵ For example, a Trading Platform is subject to a fee of \$2,000/month for BYX Depth for Non-Display Usage, while a non-Trading Platform is subject to a fee of \$1,000/month for this. See BYX Equities Fee Schedule.

⁶ See *supra* note 4.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(4).

⁹ 15 U.S.C. 78f(b)(5).

definition. The intent of this revised definition is not to introduce a new or novel concept; it is instead intended to provide further clarity on the platforms that should be covered under the definition, with new and emerging trading technologies in mind.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is grounded in the Exchange's efforts to compete more effectively (e.g., by updating its definition of Trading Platform to conform with changes in the industry).¹⁰ As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intramarket competition, as the revised definition applies uniformly to all market participants that meet the definition of Trading Platform, regardless of their specific business model or the technology employed by the execution venue.

Further, the proposed change to update the Trading Platform definition does not create an unnecessary or inappropriate inter-market burden on competition because it merely updates the Exchange's definitions to ensure consistency with the evolving technological landscape. Indeed, this proposal ensures that the Exchange's Fee Schedule accurately reflects the current scope of execution venues. The Exchange believes that the proposed rule change will relieve any burden on, or otherwise promote, competition.

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 Act¹¹ and paragraph (f) of Rule 19b-4¹² thereunder. At any time within 60 days of the filing of the proposed rule

change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBYX-2026-040 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBYX-2026-040. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBYX-2026-040 and should be submitted on or before November 16, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-21747 Filed 10-23-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-106724; File No. SR-PEARL-2026-43]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Equities Fee Schedule

October 22, 2026.

Pursuant to the provisions of 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 14, 2026, MIAX PEARL, LLC ("MIAX Pearl" or the "Exchange"), 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 proposes to amend the fee schedule (the "Fee Schedule") applicable to MIAX Pearl Equities, an equities trading facility of the Exchange, to make a non-substantive, clarifying change to add liquidity indicator codes "Ep" and "Fp" below the table titled "Midpoint Peg Order Adding Liquidity at Midpoint Volume Tiers" in Section 1)e) as those liquidity indicator codes have been applicable since they were first established.

The text of the proposed rule change is available on the Exchange's website at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings>, and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MIAX Pearl 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. MIAX Pearl has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

¹⁰ See supra note 4.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f).

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 1)e) of the Fee Schedule to make a non-substantive, clarifying change to add liquidity indicator codes “Ep” and “Fp” below the table titled “Midpoint Peg Order Adding Liquidity at Midpoint Volume Tiers” as those liquidity indicator codes have been applicable to such executions since they were first established.

The Exchange currently provides a standard rebate of (\$0.00200)³ per share for executions of Midpoint Peg Orders⁴ in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO⁵ and add liquidity to the Exchange in all Tapes.⁶ The Exchange also provides enhanced rebates through a tiered pricing structure for executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange in all Tapes based on an Equity Member⁷ achieving certain “Midpoint ADAV” thresholds (defined below) (the “Midpoint Volume Tiers Program”).⁸ Pursuant to the Midpoint Volume Tiers Program, Midpoint ADAV means the average daily added volume (“ADAV”) for the current month consisting of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange.⁹ Pursuant to Tier 1 of the

Midpoint Volume Tiers Program, Equity Members may qualify for an enhanced rebate of (\$0.0025) per share for executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange by achieving a Midpoint ADAV equal to or greater than 500,000 shares. Pursuant to Tier 2 of the Midpoint Volume Tiers Program, Equity Members may qualify for an enhanced rebate of (\$0.0027) per share for executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange by achieving a Midpoint ADAV equal to or greater than 1,000,000 shares. Pursuant to Tier 3 of the Midpoint Volume Tiers Program, Equity Members may qualify for an enhanced rebate of (\$0.0029) per share for executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange by achieving a Midpoint ADAV equal to or greater than 1,500,000 shares.

In February 2025, the Exchange filed a proposed change¹⁰ to, among other things, establish liquidity indicator codes and associated fees and rebates for orders executed during the Early Trading Session and Late Trading Session.¹¹ In that filing, the Exchange established certain liquidity indicator codes applicable to executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange in all Tapes during the Early Trading Session and Late Trading Session (liquidity indicator codes “Ep” and “Fp,” respectively).¹² At that time, liquidity indicator codes “Ep” and “Fp” should have been included as applicable codes in the sentence below the table in Section 1)e) of the Fee

Schedule pertaining to the Midpoint Volume Tiers Program.

The Exchange now proposes to amend the sentence below the table in Section 1)e) of the Fee Schedule to add liquidity indicator codes “Ep” and “Fp” as those codes have been applicable to the Midpoint Volume Tiers Program since they were established in February 2025. The Exchange notes that the rebates provided by the Midpoint Volume Tiers Program have been correctly applied to Equity Members’ trading activity since the Early Trading Session and Late Trading Session were introduced, including since the time the Exchange established liquidity indicator codes “Ep” and “Fp.” The Exchange does not propose to amend any rebates or fees. The purpose of the proposed change is to provide greater clarity within the Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act¹³ in general, and further the objectives of Section 6(b)(5) of the Act,¹⁴ in particular, in that it is designed to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest.

The Exchange believes the proposed change promotes just and equitable principles of trade and removes impediment to and perfects the mechanism of a free and open market and a national market system because the proposed change will provide greater clarity to Equity Members and the public regarding the Fee Schedule. This is because Section 1)e) of the Fee Schedule, as currently stated, is missing two liquidity indicator codes that are applicable to executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange in all Tapes during the Early Trading Session and Late Trading Session (*i.e.*, liquidity indicator codes “Ep” and “Fp,” respectively). The Exchange believes this proposed change will make it easier for Equity Members to interpret the Exchange’s Fee Schedule, render the Fee Schedule more accurate and reduce potential investor confusion, which

³ Rebates are indicated by parentheses. See the General Notes section of the Fee Schedule.

⁴ See Exchange Rule 2614(3)(i)(A).

⁵ With respect to the trading of equity securities, the term “Protected NBB” or “PBB” shall mean the national best bid that is a Protected Quotation, the term “Protected NBO” or “PBO” shall mean the national best offer that is a Protected Quotation, and the term “Protected NBBO” or “PBBO” shall mean the national best bid and offer that is a Protected Quotation. See Exchange Rule 1901.

⁶ See Fee Schedule, Section 1)a)-b).

⁷ The term “Equity Member” is a Member authorized by the Exchange to transact business on MIAx Pearl Equities. See Exchange Rule 1901.

⁸ See Fee schedule, Section 1)e).

⁹ “ADAV” means average daily added volume calculated as the number of shares added per day and “ADV” means average daily volume calculated as the number of shares added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis. See the Definitions section of the Fee Schedule. The Exchange excludes from its calculation of ADAV, ADV, and TCV, and for the purpose of determining qualification for the rebates described in all Levels of the Market Quality Tier columns in the NBBO Setter Plus Program: (1) any trading day that the Exchange’s system experiences a disruption that lasts for more than 60 minutes during regular trading hours; (2) any day with a

scheduled early market close; (3) the “Russell Reconstitution Day” (typically the last Friday in June); (4) any day that the MSCI Equities Indexes are rebalanced (*i.e.*, on a quarterly basis); and (5) any day that the S&P 400, S&P 500, and S&P 600 Indexes are rebalanced (*i.e.*, on a quarterly basis). See the General Notes section of the Fee Schedule.

¹⁰ See Securities Exchange Act Release No. 102448 (February 19, 2025), 90 FR 10676 (February 25, 2025) (SR-PEARL-2025-05).

¹¹ The term “Early Trading Session” shall mean the time between 4:00 a.m. and 9:30 a.m. Eastern Time. The term “Regular Trading Session” shall mean the time between the completion of the Opening Process or Contingent Open as defined in Exchange Rule 2615 and 4:00 p.m. Eastern Time. The term “Late Trading Session” shall mean the time between 4:00 p.m. and 8:00 p.m. Eastern Time. See Exchange Rule 1901.

¹² See *supra* note 10.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

removes impediments to and perfects the mechanism of a free and open market and a national market system. The Exchange does not propose to amend any rebates or fees. The Exchange notes that the rebates provided by the Midpoint Volume Tiers Program have been currently applied to Equity Members' trading activity since the Early Trading Session and Late Trading Session were introduced, including since the time the Exchange established liquidity indicator codes "Ep" and "Fp." It is in the public interest for the Exchange's Fee Schedule to be clear and consistent so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes the proposed change will not impose any burden on intra-market competition as there is no change to the Exchange's rebates or fees and because the Exchange's Fee Schedule will continue to apply equally to all market participants. The proposal will have no impact on competition as it is not designed to address any competitive issue but rather is designed to provide clarity regarding the Exchange's rebates for certain types of transactions. The proposal will not impose any burden on competition; rather it will make it easier for Equity Members to interpret the Exchange's Fee Schedule, which may reduce potential investor confusion.

The Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing greater clarity regarding the liquidity indicator codes that are applicable to executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange in all Tapes during the Early Trading Session and Late Trading Session (*i.e.*, liquidity indicator codes "Ep" and "Fp," respectively). The Exchange does not believe that the proposal will harm another exchange's ability to compete. Accordingly, the Exchange does not believe the proposal 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁵ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹⁶

A proposed rule change filed under Rule 19b-4(f)(6)¹⁷ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁸ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. In the filing, the Exchange stated that the proposed change does not propose to amend any current fees or rebates and is intended to provide greater clarity and consistency within the Fee Schedule, specifically clarifying the liquidity indicator codes that are applicable to executions of Midpoint Peg Orders in securities priced at or above \$1.00 per share that execute at the midpoint of the Protected NBBO and add liquidity to the Exchange in all Tapes during the Early Trading Session and Late Trading Session. The proposed rule change does not raise any novel issues, and waiver of the operative delay allows for the immediate clarification of the Exchange's Fee Schedule for the benefit of the Exchange's Equity Members, other market participants, and the public, and therefore, waiver of the 30-day operative delay is consistent with the protection of investors and the

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁷ 17 CFR 240.19b-4(f)(6).

¹⁸ 17 CFR 240.19b-4(f)(6)(iii).

public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.¹⁹

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-PEARL-2026-43 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-PEARL-2026-43. 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-PEARL-2026-43 and should be submitted on or before November 16, 2026.

¹⁹ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–21837 Filed 10–23–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before December 28, 2026.

ADDRESSES: Send all comments to Savannah Wilburn, Office of Field Operations, savannah.wilburn@sba.gov, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Savannah Wilburn, Office of Field Operations, savannah.wilburn@sba.gov, (404) 331–7711 and Shauniece Carter, Interim Agency Clearance Officer, Shauniece.carter@sba.gov, (202) 935–6942.

SUPPLEMENTARY INFORMATION: Capturing more targeted information for SBA events would significantly streamline event planning and execution while strengthening the SBA's core mission of aiding, counseling, and assisting and protecting the interests of small businesses. By collecting relevant details upfront at registration including, but not limited to, business size, industry, NAICS codes, and current capabilities and needs, SBA can transform reactive data collection into a proactive, efficient process. In addition to registration, SBA may use this generic clearance to collect information for activities to benefit small businesses at all SBA outreach events including, but not limited to, events conducted under the authority granted by 15 U.S.C. 637(b)(1)(A) and section 132(a) of Division K in Public Law 108–447, as

reauthorized by the annual Appropriations Act.

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.

Summary of Information Collection

PRA Number: To be assigned.

Title: SBA Events Generic Clearances.

Description of Respondents: Small businesses, large corporations, community organizations and federal, state and local governments.

Total Estimated Responses: 30,000.

Total Estimated Hour Burden: 5,000.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–21752 Filed 10–23–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21849 and #21850; SOUTH DAKOTA Disaster Number SD–20019]

Presidential Declaration Amendment of a Major Disaster for the OGLALA SIOUX TRIBE

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the OGLALA SIOUX TRIBE (FEMA–4941–DR), dated September 1, 2026. Incident: Severe Storms, Straight-line Winds, and Flooding.

DATES: Issued on October 20, 2026.

Incident Period: June 2, 2026 through June 4, 2026.

Physical Loan Application Deadline Date: November 30, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: June 1, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster

declaration for the OGLALA SIOUX TRIBE, dated September 1, 2026, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to November 30, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–21769 Filed 10–23–26; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2026–1222]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB): Office of Management and Budget, Attn: Desk Officer for SSA.

(SSA): Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235.

Fax: 833–410–1631.

Email address:

OR.Reports.Clearance@ssa.gov.

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAmain> by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–1222] in your submitted response.

The information collections below are pending at SSA. SSA will submit them

²⁰ 17 CFR 200.30–3(a)(12).

to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than December 28, 2026. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Response to Notice of Revised Determination—20 CFR 404.913–404.914, 404.992(b), 416.1413–416.1414, and 416.1492(d)—0960–0347.* In certain circumstances, SSA may reopen and revise a final determination. When a determination that an individual is

disabled is revised based on medical factors, advance notice of the revised determination is given. In response to this notice, the affected individuals may: (1) request a disability hearing to contest SSA's decision; and (2) submit additional information or evidence for SSA to consider. Affected individuals and their representatives use Form SSA–765 to accomplish these two actions. If respondents request the first option, SSA's Disability Hearings Unit uses the form to schedule a hearing; ensure an interpreter is present, if

required; and ensure the disability recipients or claimants, and their representatives, receive a notice about the place and time of the hearing. If respondents choose the second option, SSA uses Form SSA–765 and other evidence to reevaluate the individual's case, and to determine if the new information or evidence will change SSA's proposed revision. The respondents are current disability recipients or their representatives.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–765 (paper form)	136	1	30	68	*\$23.91	**20	***\$2,702
SSA–765 (Upload Documents)	182	1	30	91	*23.91	N/A	***2,176
Totals	318	.....	.....	159	.....	.....	***4,878

* We based these figures on the combined average of both disability payments (\$14.27) based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits) and on the average U.S. worker's hourly wages (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average October 2026 wait time for field offices (20 minutes), as captured by SSA's current management information data. This figure is also posted on our public-facing website (Social Security performance | SSA). As the figures fluctuate, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data to ensure we report updated figures when possible. While we have included wait time for all respondents who complete the paper form, we note that respondents are not required to complete the form in person, and those who mail or drop off a completed form do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

2. *Redetermination of Eligibility for Help with Medicare Prescription Drug Plan Costs—20 CFR 418.3125—0960–0723.* As mandated under the Medicare Modernization Act of 2003, SSA conducts low-income subsidy (Medicare Part D) eligibility redeterminations for Medicare beneficiaries who have limited income and resources and who thus currently receive the Medicare Part D subsidy to help with Medicare prescription drug plan costs, including premiums, deductibles, and copays. SSA asks Medicare Part D subsidy recipients to complete Form SSA–1026 (1) for periodic, standard cyclical redeterminations and (2) when recipients report a potentially subsidy-changing event. For the cyclical, periodic redetermination process, SSA's system automatically selects annual respondents based on the following profile and selection criteria: (1)

individuals who became entitled to the Medicare Part D subsidy during the past 12 months; (2) individuals who were eligible for the Part D subsidy for more than 12 months; or (3) individuals who reported a change in income, resources, or household size. For the second category of redeterminations, report of the following life-changing events would trigger a redetermination and would require Medicare Part D beneficiaries to complete the form: (1) marriage; (2) spousal separation; (3) divorce; (4) annulment of a marriage; (5) spousal death; or (6) moving back in with one's spouse following a separation.

SSA mails a cover letter explaining the specific need for the redetermination; a Resource and Income Summary form listing the subsidy-eligible individual's income and resource types and amounts, and the

individual's current household size on record; and the appropriate version of Form SSA–1026 (based on the category of redetermination) for the beneficiary to complete and return to SSA's Wilkes-Barre Direct Operations Center. Once we receive the form, SSA technicians scan the information it into the Medicare Application Processing System to start the redetermination process. If a beneficiary finds the paper process difficult, they may call or visit their local field office, and a technician completes the form with them through a personal interview.

The respondents are current recipients of Medicare Part D low-income subsidy who will undergo an eligibility redetermination for one of the reasons mentioned above.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or teleservice center (minutes) **	Total annual opportunity cost (dollars) ***
SSA–1026–REDE	141,128	1	18	42,338	*\$33.54	N/A	***\$1,420,017
SSA–1026–SCE	4,899	1	18	1,470	*33.54	N/A	***49,304

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or teleservice center (minutes) **	Total annual opportunity cost (dollars) ***
REDE Field Office Interview	31,915	1	18	9,575	* 33.54	** 11	*** 517,388
SCE Field Office Interview	1,531	1	18	459	* 33.54	** 11	*** 24,820
Totals	179,473	.....	.....	53,701	.....	.....	*** 1,986,709

* We based this figure on an average U.S. citizen's hourly salary (\$33.54), as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this 11-minute figure on average October 2026 wait times (specifically, the arithmetic mean of a 20-minute field-office wait time and a 1-minute wait time for a call to be picked up automatically by our systems and then routed to an SSA technician. Both the 20-minute and 1-minute figures are themselves averages captured by management information data and posted on our public-facing website, Social Security performance | SSA). As the figures fluctuate, the actual wait times may differ slightly from the averages reported here. We will update these figures periodically to reflect the most accurate available data. We did not include an in-office wait time for the paper form, as respondents only mail it in; therefore, they do not experience any wait time.

*** This figure does not represent actual costs that SSA is imposing on individuals; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the information collection. *There is no actual charge to respondents to complete the information collection.*

Mark Steffensen,

General Counsel, Chief of Law, Policy and Legislative Affairs, Social Security Administration.

[FR Doc. 2026-21797 Filed 10-23-26; 8:45 am]

BILLING CODE 4191-02-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2026-1024]

Cost-of-Living Increase and Other Determinations for 2027

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

SUMMARY: Under title II of the Social Security Act (Act), there will be a 3.6 percent cost-of-living increase in Social Security benefits effective December 2026. In addition, the national average wage index for 2025 is \$72,800.33. The cost-of-living increase and national average wage index affect other program parameters as described below.

FOR FURTHER INFORMATION CONTACT:

Kathleen K. Sutton, Actuarial Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3000. Information relating to this announcement is available at www.ssa.gov/oact/cola/index.html. For information on eligibility or claiming benefits, visit www.ssa.gov or call 1-800-772-1213 (TTY 1-800-325-0778).

SUPPLEMENTARY INFORMATION: Because of the 3.6 percent cost-of-living increase, the following items will increase for 2027:

(1) The maximum Federal Supplemental Security Income (SSI) monthly payment amounts for 2027

under title XVI of the Act will be \$1,029 for an eligible individual; \$1,544 for an eligible individual with an eligible spouse; and \$516 for an essential person.

(2) The special benefit amount under title VIII of the Act for certain World War II (WWII) veterans will be \$771.75 for 2027.

(3) The student earned income exclusion under title XVI of the Act will be \$2,500 per month in 2027, but not more than \$10,080 for all of 2027.

(4) The dollar fee limit for services performed as a representative payee will be \$59 per month (\$110 per month in the case of a beneficiary who is determined to be disabled, has an alcoholism or drug addiction condition, and is incapable of managing benefits) in 2027.

(5) The assessment (or “user fee”) dollar limit on the administrative cost charged when the agency pays authorized representative fees and court-awarded attorney fees directly out of a claimant's past due benefits will be \$128, beginning in December 2026.

The national average wage index for 2025 is \$72,800.33. This index affects the following amounts:

(1) The Old-Age, Survivors, and Disability Insurance (OASDI) contribution and benefit base will be \$192,300 for remuneration paid in 2027 and self-employment income earned in tax years beginning in 2027.

(2) The monthly exempt amounts under the OASDI retirement earnings test for tax years ending in calendar year 2027 will be \$2,130 for beneficiaries who will attain their Normal Retirement Age (NRA) (defined in the *Retirement Earnings Test Exempt Amounts* section

below) after 2027 and \$5,660 for those who attain NRA in 2027.

(3) The dollar amounts (bend points) used in the primary insurance amount (PIA) formula for workers who become eligible for benefits or who die before becoming eligible, in 2027, will be \$1,340 and \$8,077.

(4) The bend points used in the formula for computing maximum family benefits for workers who become eligible for retirement benefits, or who die before becoming eligible, in 2027, will be \$1,712, \$2,471, and \$3,223.

(5) The taxable earnings a person must have in 2027 to be credited with a quarter of coverage will be \$1,970.

(6) The “old-law” contribution and benefit base under title II of the Act will be \$142,800 for 2027.

(7) The monthly amount of earnings deemed to constitute substantial gainful activity (SGA) for statutorily blind people under title II of the Act will be \$2,950 in 2027. The corresponding amount of earnings for non-blind people with a determined disability under titles II and XVI of the Act will be \$1,770.

(8) The earnings threshold establishing a month as a part of a trial work period will be \$1,270 for 2027.

(9) Coverage thresholds for 2027 will be \$3,100 for domestic workers and \$2,700 for election officials and election workers.

According to section 215(i)(2)(D) of the Act, we must publish the benefit increase percentage and the revised table of “special minimum” benefits within 45 days after the close of the third calendar quarter of 2026.

We must also publish the following by November 1: the national average wage index for 2025 (215(a)(1)(D)), the OASDI fund ratio for 2026 (section

215(i)(2)(C)(ii)), the OASDI contribution and benefit base for 2027 (section 230(a)), the earnings required to be credited with a quarter of coverage in 2027 (section 213(d)(2)), the monthly exempt amounts under the Social Security retirement earnings test for 2027 (section 203(f)(8)(A)), the formula for computing a PIA for workers who first become eligible for benefits or die in 2027 (section 215(a)(1)(D)), and the formula for computing the maximum benefits payable to the family of a worker who first becomes eligible for old-age benefits or dies in 2027 (section 203(a)(2)(C)).

Cost-of-Living Increases

General

The cost-of-living increase is 3.6 percent for monthly benefits under title II and for monthly payments under title XVI of the Act. Under title II, OASDI monthly benefits will increase by 3.6 percent for individuals eligible for December 2026 benefits, payable in January 2027 and thereafter. We base this increase on the authority contained in section 215(i) of the Act.

Pursuant to section 1617 of the Act, Federal SSI benefit rates will also increase by 3.6 percent effective for payments made for January 2027 but paid on December 31, 2026.

Computation

Computation of the cost-of-living increase is based on an increase in a Consumer Price Index (CPI) produced by the Bureau of Labor Statistics. At the time the Act was amended to provide automatic cost-of-living increases starting in 1975, only one CPI existed, namely the index now referred to as CPI for Urban Wage Earners and Clerical Workers (CPI-W). Although the Bureau of Labor Statistics has since developed other CPIs, we follow precedent by continuing to use the CPI-W. We refer to this index in the following paragraphs as the CPI.

Section 215(i)(1)(B) of the Act defines a “computation quarter” to be a third calendar quarter in which the average CPI exceeded the average CPI in the previous computation quarter. The last cost-of-living increase, effective for those eligible to receive title II benefits for December 2025, was based on the CPI increase from the third quarter of 2024 to the third quarter of 2025. Therefore, the last computation quarter is the third quarter of 2025. The law states that a cost-of-living increase for benefits is determined based on the percentage increase, if any, in the CPI from the last computation quarter to the third quarter of the current year.

Therefore, we compute the increase in the CPI from the third quarter of 2025 to the third quarter of 2026.

Section 215(i)(1) of the Act states that the CPI for a cost-of-living computation quarter is the arithmetic mean of this index for the 3 months in that quarter. In accordance with 20 CFR 404.275, we round the arithmetic mean, if necessary, to the nearest 0.001. The CPI for each month in the quarter ending September 30, 2025, the last computation quarter, is: for July 2025, 316.349; for August 2025, 317.306; and for September 2025, 318.139. The arithmetic mean for the calendar quarter ending September 30, 2025, is 317.265. The CPI for each month in the quarter ending September 30, 2026, is: for July 2026, 327.104; for August 2026, 328.481; and for September 2026, 330.654. The arithmetic mean for the calendar quarter ending September 30, 2026, is 328.746. The CPI for the calendar quarter ending September 30, 2026, exceeds that for the calendar quarter ending September 30, 2025, by 3.6 percent (rounded to the nearest 0.1). Therefore, beginning December 2026, a cost-of-living benefit increase of 3.6 percent is effective for benefits under title II of the Act.

Section 215(i) also specifies that a benefit increase under title II, effective for December of any year, will be limited to the increase in the national average wage index for the prior year if the OASDI fund ratio for that year is below 20.0 percent. The OASDI fund ratio for a year is the ratio of the combined asset reserves of the OASI and DI Trust Funds at the beginning of that year to the combined cost of the programs during that year. For 2026, the OASDI fund ratio is reserves of \$2,561,306 million divided by estimated cost of \$1,693,169 million, or 151.3 percent. Because the 151.3 percent OASDI fund ratio exceeds 20.0 percent, the benefit increase for December 2026 is not limited to the increase in the national average wage index.

Program Amounts That Change Based on the Cost-of-Living Increase

The following program amounts change based on the cost-of-living increase: (1) title II benefits; (2) title XVI payments; (3) title VIII benefits; (4) the student earned income exclusion; (5) the fee for services performed by a representative payee; and (6) the assessment for direct payment of fees.

Title II Benefit Amounts

In accordance with section 215(i) of the Act, for workers and family members for whom eligibility for benefits (that is, the worker’s attainment of age 62, or disability or death before

age 62) occurred before 2027, benefits will increase by 3.6 percent beginning with benefits for December 2026, which are payable in January 2027. For those first eligible after 2026, the 3.6 percent increase will not apply.

For eligibility after 1978, we determine benefits using a formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216), as described later in this notice.

For eligibility before 1979, we determine benefits by using a benefit table. The table is available at www.ssa.gov/oact/ProgData/tableForm.html or by writing to: Social Security Administration, Congressional and Public Inquiries, 6401 Security Boulevard, Baltimore, MD 21235.

Section 215(i)(2)(D) of the Act requires that, when we determine an increase in Social Security benefits, we will publish in the **Federal Register** a revision of the range of the PIAs and maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i). We refer to these benefits as “special minimum” benefits. These benefits are payable to certain individuals with long periods of low earnings. To qualify for these benefits, an individual must have at least 11 years of coverage. To earn a year of coverage for purposes of the special minimum benefit, a person must earn at least a certain proportion of the old-law contribution and benefit base (described later in this notice). For years before 1991, the proportion is 25 percent; for years after 1990, it is 15 percent. In accordance with section 215(a)(1)(C)(i), the table below shows the revised range of PIAs and maximum family benefit amounts after the 3.6 percent benefit increase.

SPECIAL MINIMUM PIAS AND MAXIMUM FAMILY BENEFITS PAYABLE FOR DECEMBER 2026

Number of years of coverage	PIA	Maximum family benefit
11	\$55.40	\$84.80
12	113.70	172.50
13	172.20	260.40
14	230.30	347.50
15	288.20	434.60
16	347.00	522.40
17	405.30	610.50
18	463.60	697.60
19	521.90	785.30
20	580.40	872.10
21	639.00	960.60
22	696.80	1,047.60
23	756.10	1,136.60
24	814.30	1,223.40
25	872.10	1,310.40
26	931.40	1,399.10
27	989.00	1,486.50

SPECIAL MINIMUM PIAS AND MAXIMUM FAMILY BENEFITS PAYABLE FOR DECEMBER 2026—Continued

Number of years of coverage	PIA	Maximum family benefit
28	1,047.30	1,573.60
29	1,105.90	1,661.80
30	1,164.10	1,748.30

Title XVI Payment Amounts

In accordance with section 1617 of the Act, the Federal benefit rates used in computing Federal SSI payments for the aged, blind, and disabled will increase by 3.6 percent effective January 2027. For 2026, we determined the monthly payment amounts to be —\$994 for an eligible individual, \$1,491 for an eligible individual with an eligible spouse, and \$498 for an essential person. These amounts were derived from yearly, unrounded Federal SSI payment amounts of \$11,929.46, \$17,892.21, and \$5,978.41, respectively. For 2027, these yearly unrounded amounts increase by 3.6 percent to \$12,358.92, \$18,536.33, and \$6,193.63, respectively. We must round each of these resulting amounts, when not a multiple of \$12, to the next lower multiple of \$12. Therefore, the annual amounts, effective for 2027, are \$12,348, \$18,528, and \$6,192. Dividing the yearly amounts by 12 gives the respective monthly amounts for 2027—\$1,029, \$1,544, and \$516. For an eligible individual with an eligible spouse, we equally divide the amount payable between the two spouses.

Title VIII Benefit Amount

Title VIII of the Act provides for special benefits to certain WWII veterans who reside outside the United States. Section 805 of the Act provides that “[t]he benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate [the maximum amount for an eligible individual] under title XVI for the month, reduced by the amount of the qualified individual’s benefit income for the month.” Therefore, the maximum monthly benefit for 2027 under this provision is 75 percent of \$1,029, or \$771.75.

Student Earned Income Exclusion

Children who are blind or have a determined disability can have limited earnings that do not count against their SSI payments if they are students regularly attending school, college, university, or a course of vocational or technical training. The maximum

amount of such income that we may exclude in 2026 is \$2,410 per month, but not more than \$9,730 in all of 2026. These amounts increase based on a formula set forth in regulation 20 CFR 416.1112.

To compute each of the monthly and yearly maximum amounts for 2027, we increase the unrounded amount for 2026 by the latest cost-of-living increase. If the calculated amount is not a multiple of \$10, we round it to the nearest multiple of \$10. The unrounded monthly amount for 2026 is \$2,413.64. We increase this amount by 3.6 percent to \$2,500.53, which we then round to \$2,500. Similarly, we increase the unrounded yearly amount for 2026, \$9,729.33, by 3.6 percent to \$10,079.59 and round this to \$10,080. Therefore, the maximum amount of the income exclusion applicable to a student in 2027 is \$2,500 per month, but not more than \$10,080 in all of 2027.

Fee for Services Performed as a Representative Payee

Sections 205(j)(4)(A)(i) and 1631(a)(2)(D)(i) of the Act permit a qualified organization to collect a monthly fee from a beneficiary for expenses incurred in providing services as the beneficiary’s representative payee. In 2026, the fee is limited to the lesser of: (1) 10 percent of the monthly benefit involved; or (2) \$57 each month (\$106 each month when the beneficiary is entitled to disability benefits, has an alcoholism or drug addiction condition, and is incapable of managing such benefits). The dollar fee limits are subject to increase by the cost-of-living increase, with the resulting amounts rounded to the nearest whole dollar amount. Therefore, we increase the current amounts by 3.6 percent to \$59 and \$110 for 2027.

Assessment for Direct Payment of Fees

Under sections 206(d) and 1631(d) of the Act, whenever the agency pays authorized representative fees or court-awarded fees directly out of a claimant’s past due benefits, we must impose an assessment (or “user fee”) to cover administrative costs. The user fee applied is the lesser amount of 6.3 percent of the representative’s authorized or awarded fee or a dollar amount that is subject to the cost-of-living increase. We derive the dollar limit for December 2026, by increasing the unrounded limit for December 2025, \$123.56, by 3.6 percent, which is \$128.01. We then round \$128.01 to the next lowest multiple of \$1. The dollar limit effective for December 2026 is, therefore, \$128.

National Average Wage Index for 2025 Computation

We determined the national average wage index for calendar year 2025. It is based on the 2024 national average wage index of \$69,846.57, which was published in the **Federal Register** on November 03, 2025 (90 FR 49047), and on the percentage increase in average wages from 2024 to 2025, as measured by annual wage data. We tabulate the annual wage data, including contributions to deferred compensation plans, as required by section 209(k) of the Act. The average amounts of wages calculated from these data were \$67,027.24 for 2024 and \$69,861.77 for 2025. To determine the national average wage index for 2025 at a level consistent with the national average wage indexing series for 1951 through 1977 (published December 29, 1978, at 43 FR 61016), we multiply the 2024 national average wage index of \$69,846.57 by the percentage increase in average wages from 2024 to 2025 (based on SSA-tabulated wage data) as follows. We round the result to the nearest cent.

National Average Wage Index Amount

Multiplying the national average wage index for 2024 (\$69,846.57) by the ratio of the average wage for 2025 (\$69,861.77) to that for 2024 (\$67,027.24) produces the 2025 index, \$72,800.33. The national average wage index for calendar year 2025 is about 4.23 percent higher than the 2024 index.

Program Amounts That Change Based on the National Average Wage Index

Under the Act, the following amounts change with annual changes in the national average wage index: (1) the OASDI contribution and benefit base; (2) the exempt amounts under the retirement earnings test; (3) the dollar amounts, or bend points, in the PIA formula; (4) the bend points in the maximum family benefit formula; (5) the earnings required to credit a worker with a quarter of coverage; (6) the old-law contribution and benefit base (as determined under section 230 of the Act as in effect before the 1977 amendments); (7) the SGA amount applicable to statutorily blind individuals; and (8) the coverage threshold for election officials and election workers. Additionally, under section 3121(x) of the Internal Revenue Code, the domestic employee coverage threshold is based on changes in the national average wage index.

Two amounts also increase under regulatory requirements—the SGA amount applicable to non-blind individuals with a determined

disability, and the monthly earnings threshold that establishes a month as part of a trial work period for beneficiaries with a determined disability.

OASDI Contribution and Benefit Base

General

The OASDI contribution and benefit base is \$192,300 for remuneration paid in 2027 and self-employment income earned in tax years beginning in 2027. The OASDI contribution and benefit base serves as the maximum annual earnings on which OASDI taxes are paid. It is also the maximum annual earnings used in determining a person's OASDI benefits.

Computation

Section 230(b) of the Act provides the formula used to determine the OASDI contribution and benefit base. Under the formula, the base for 2027 is the larger of: (1) the 1994 base of \$60,600 multiplied by the ratio of the national average wage index for 2025 to that for 1992; or (2) the current base (\$184,500). If the resulting amount is not a multiple of \$300, we round it to the nearest multiple of \$300.

OASDI Contribution and Benefit Base Amount

Multiplying the 1994 OASDI contribution and benefit base (\$60,600) by the ratio of the national average wage index for 2025 (\$72,800.33 as determined above) to that for 1992 (\$22,935.42) produces \$192,353.14. We round this amount to \$192,300. Because \$192,300 exceeds the current base amount of \$184,500, the OASDI contribution and benefit base is \$192,300 for 2027.

Retirement Earnings Test Exempt Amounts

General

We withhold Social Security benefits when a beneficiary under the NRA has earnings more than the applicable retirement earnings test exempt amount. The NRA is the age when retirement benefits (before rounding) are equal to the PIA. The NRA is age 66 for those born in 1943–54. It gradually increases to age 67 for those born in 1960 or later. A higher exempt amount applies in the year in which a person attains NRA, but only for earnings in months before such attainment. A lower exempt amount applies at all other ages below NRA. Section 203(f)(8)(B) of the Act provides formulas for determining the monthly exempt amounts. The annual exempt amounts are exactly 12 times the monthly amounts.

For beneficiaries who attain NRA in the year, we withhold \$1 in benefits for every \$3 of earnings over the annual exempt amount for months before NRA. For all other beneficiaries under NRA, we withhold \$1 in benefits for every \$2 of earnings over the annual exempt amount..

Computation

Under the formula that applies to beneficiaries attaining NRA after 2027, the lower monthly exempt amount for 2027 is the larger of: (1) the 1994 monthly exempt amount multiplied by the ratio of the national average wage index for 2025 to that for 1992; or (2) the 2026 monthly exempt amount (\$2,040). If the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Under the formula that applies to beneficiaries attaining NRA in 2027, the higher monthly exempt amount for 2027 is the larger of: (1) the 2002 monthly exempt amount multiplied by the ratio of the national average wage index for 2025 to that for 2000; or (2) the 2026 monthly exempt amount (\$5,430). If the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Lower Exempt Amount

Multiplying the 1994 retirement earnings test monthly exempt amount of \$670 by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1992 (\$22,935.42) produces \$2,126.68. We round this to \$2,130. Because \$2,130 exceeds the current exempt amount of \$2,040, the lower retirement earnings test monthly exempt amount is \$2,130 for 2027. The lower annual exempt amount is \$25,560 under the retirement earnings test.

Higher Exempt Amount

Multiplying the 2002 retirement earnings test monthly exempt amount of \$2,500 by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 2000 (\$32,154.82) produces \$5,660.14. We round this to \$5,660. Because \$5,660 exceeds the current exempt amount of \$5,430, the higher retirement earnings test monthly exempt amount is \$5,660 for 2027. The higher annual exempt amount is \$67,920 under the retirement earnings test.

Primary Insurance Amount Formula

General

The Social Security Amendments of 1977 provided a method for computing benefits that generally applies when a worker first becomes eligible for benefits after 1978. This method uses the

worker's average indexed monthly earnings (AIME) to compute the PIA. We adjust the formula each year to reflect changes in general wage levels, as measured by the national average wage index.

We also adjust, or index, a worker's earnings to reflect the change in the general wage levels that occurred during the worker's years of employment. Such indexing ensures that a worker's future benefit level will reflect the general rise in the standard of living that will occur during their working lifetime. To compute the AIME, we first determine the required number of years of earnings. We then select the number of years with the highest indexed earnings, add the indexed earnings for those years, and divide the total amount by the total number of months in those years. We then round the resulting average amount down to the next lower dollar amount. The result is the AIME.

Computing the PIA

The PIA is the sum of three separate percentages of portions of the AIME. In 1979 (the first year the formula was in effect), these portions were the first \$180, the amount between \$180 and \$1,085, and the amount above \$1,085. We call the dollar amounts in the formula governing the portions of the AIME the bend points of the formula. Therefore, the bend points for 1979 were \$180 and \$1,085.

To obtain the bend points for 2027, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2025 to that average for 1977. We then round these results to the nearest dollar. Multiplying the 1979 amounts of \$180 and \$1,085 by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1977 (\$9,779.44) produces the amounts of \$1,339.96 and \$8,076.98. We round these to \$1,340 and \$8,077. Therefore, the portions of the AIME to be used in 2027 are the first \$1,340, the amount between \$1,340 and \$8,077, and the amount above \$8,077.

Therefore, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 2027, or who die in 2027 before becoming eligible for benefits, their PIA will be the sum of:

(a) 90 percent of the first \$1,340 of their AIME, plus

(b) 32 percent of their AIME between \$1,340 and \$8,077, plus

(c) 15 percent of their AIME above \$8,077.

We round this amount to the next lower multiple of \$0.10 if it is not already a multiple of \$0.10. This

formula and the rounding adjustment are stated in section 215(a) of the Act.

Maximum Benefits Payable to a Family

General

The 1977 amendments continued the policy of limiting the total monthly benefits that a worker's family may receive based on the worker's PIA. Those amendments also continued the relationship between maximum family benefits and PIAs but changed the method of computing the maximum benefits that may be paid to a worker's family. The Social Security Disability Amendments of 1980 (Pub. L. 96-265) established a formula for computing the maximum benefits payable to the family of a worker with a determined disability. This formula applies to the family benefits of workers who first become entitled to disability insurance benefits after June 30, 1980, and who first become eligible for these benefits after 1978. For workers with determined disabilities who are initially entitled to disability benefits before July 1980 or whose disability began before 1979, we compute the family maximum payable the same as the old-age and survivor family maximum.

Computing the Old-Age and Survivor Family Maximum

The formula used to compute the family maximum is similar to that used to compute the PIA. It involves computing the sum of four separate percentages of portions of the worker's PIA. In 1979, these portions were the first \$230, the amount between \$230 and \$332, the amount between \$332 and \$433, and the amount above \$433. We refer to such dollar amounts in the formula as the bend points of the family-maximum formula.

To obtain the bend points for 2027, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2025 to that average for 1977. Then we round this amount to the nearest dollar. Multiplying the amounts of \$230, \$332, and \$433 by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1977 (\$9,779.44) produces the amounts of \$1,712.17, \$2,471.48, and \$3,223.35. We round these amounts to \$1,712, \$2,471, and \$3,223. Therefore, the portions of the PIAs to be used in 2027 are the first \$1,712, the amount between \$1,712 and \$2,471, the amount between \$2,471 and \$3,223, and the amount above \$3,223.

So, for the family of a worker who becomes age 62 or dies in 2027 before age 62, we compute the total benefits

payable to them so that it does not exceed:

(a) 150 percent of the first \$1,712 of the worker's PIA, plus

(b) 272 percent of the worker's PIA between \$1,712 and \$2,471, plus

(c) 134 percent of the worker's PIA between \$2,471 and \$3,223, plus

(d) 175 percent of the worker's PIA above \$3,223.

We then round this amount to the next lower multiple of \$0.10 if it is not already a multiple of \$0.10. This formula and the rounding adjustment are stated in section 203(a) of the Act.

Quarter of Coverage Amount

General

The earnings required for a quarter of coverage in 2027 is \$1,970. A quarter of coverage is the basic unit for determining if a worker is insured under the Social Security program. For years before 1978, we generally credited an individual with (1) a quarter of coverage for each quarter in which they were paid wages of \$50 or more or (2) four quarters of coverage for every tax year in which they earned \$400 or more of self-employment income. Beginning in 1978, employers generally report wages annually instead of quarterly. With the change to yearly reporting, section 352(b) of the Social Security Amendments of 1977 amended section 213(d) of the Act to provide that a quarter of coverage would be credited for each \$250 of an individual's total wages and self-employment income for calendar year 1978 up to a maximum of four quarters of coverage for the year. The amendment also provided a formula for years after 1978.

Computation

Under the prescribed formula, the quarter of coverage amount for 2027 is the larger of: (1) the 1978 amount of \$250 multiplied by the ratio of the national average wage index for 2025 to that for 1976; or (2) the current amount (\$1,890). Section 213(d) provides that if the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Quarter of Coverage Amount

Multiplying the 1978 quarter of coverage amount (\$250) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1976 (\$9,226.48) produces \$1,972.59. We then round this amount to \$1,970. Because \$1,970 exceeds the current amount of \$1,890, the quarter of coverage amount is \$1,970 for 2027.

Old-Law Contribution and Benefit Base

General

The old-law contribution and benefit base for 2027 is \$142,800. This base would have been effective under the Act without the enactment of the 1977 amendments.

The old-law contribution and benefit base is used by:

(a) the Railroad Retirement program to determine certain tax liabilities and tier II benefits payable under that program to supplement the tier I payments that correspond to basic Social Security benefits,

(b) the Pension Benefit Guaranty Corporation to determine the maximum amount of pension guaranteed under the Employee Retirement Income Security Act (section 230(d) of the Act), and

(c) Social Security to determine a year of coverage in computing the special minimum benefit, as described earlier.

Computation

The old-law contribution and benefit base is the larger of: (1) the 1994 old-law base (\$45,000) multiplied by the ratio of the national average wage index for 2025 to that for 1992; or (2) the current old-law base (\$137,100). If the resulting amount is not a multiple of \$300, we round it to the nearest multiple of \$300.

Old-Law Contribution and Benefit Base Amount

Multiplying the 1994 old-law contribution and benefit base (\$45,000) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1992 (\$22,935.42) produces \$142,836.49. We round this amount to \$142,800. Because \$142,800 exceeds the current amount of \$137,100, the old-law contribution and benefit base is \$142,800 for 2027.

Substantial Gainful Activity Amounts

General

A finding of disability under titles II and XVI of the Act requires that a person be unable to engage in SGA, or for a child with disability determined under title XVI, not engaging in SGA. A person who is earning more than a certain monthly amount is ordinarily considered to be engaging in SGA. The monthly earnings considered as SGA depends on the nature of a person's disability. Section 223(d)(4)(A) of the Act specifies the formula for determining the SGA amount for statutorily blind individuals under title II while our regulations (20 CFR 404.1574 and 416.974) specify the formula for determining the SGA amount for non-blind individuals with a determined disability.

Computation

The monthly SGA amount for statutorily blind individuals under title II for 2027 is the larger of: (1) the amount for 1994 multiplied by the ratio of the national average wage index for 2025 to that for 1992; or (2) the amount for 2026. The monthly SGA amount for non-blind individuals with a determined disability for 2027 is the larger of: (1) the amount for 2000 multiplied by the ratio of the national average wage index for 2025 to that for 1998; or (2) the amount for 2026. In either case, if the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

SGA Amount for Statutorily Blind Individuals

Multiplying the 1994 monthly SGA amount for statutorily blind individuals (\$930) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1992 (\$22,935.42) produces \$2,951.95. We then round this amount to \$2,950. Because \$2,950 exceeds the current amount of \$2,830, the monthly SGA amount for statutorily blind individuals is \$2,950 for 2027.

SGA Amount for Non-Blind Individuals Who Have a Determined Disability

Multiplying the 2000 monthly SGA amount for non-blind individuals with a determined disability (\$700) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1998 (\$28,861.44) produces \$1,765.69. We then round this amount to \$1,770. Because \$1,770 exceeds the current amount of \$1,690, the monthly SGA amount for non-blind individuals with a determined disability is \$1,770 for 2027.

Trial Work Period Earnings Threshold*General*

During a trial work period of 9 months in a rolling 60-month period, a beneficiary receiving Social Security disability benefits may test their ability to work and still receive monthly benefit payments. To be considered a trial work period month, earnings must be over a certain level. In 2027, any month in which earnings exceed \$1,270 is considered a month of services for an individual's trial work period.

Computation

The method used to determine the new amount is set forth in our regulations at 20 CFR 404.1592(b). Monthly earnings in 2027, used to determine whether a month is part of a trial work period, is the larger of: (1) the

amount for 2001 (\$530) multiplied by the ratio of the national average wage index for 2025 to that for 1999; or (2) the amount for 2026. If the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Trial Work Period Earnings Threshold Amount

Multiplying the 2001 monthly earnings threshold (\$530) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1999 (\$30,469.84) produces \$1,266.31. We then round this amount to \$1,270. Because \$1,270 exceeds the current amount of \$1,210, the monthly earnings threshold is \$1,270 for 2027.

Domestic Employee Coverage Threshold*General*

The minimum amount a domestic worker must earn so that such earnings are covered under Social Security or Medicare is the domestic employee coverage threshold. For 2027, this threshold is \$3,100. Section 3121(x) of the Internal Revenue Code provides the formula for increasing the threshold.

Computation

Under the formula, the domestic employee coverage threshold for 2027 is equal to the 1995 amount of \$1,000 multiplied by the ratio of the national average wage index for 2025 to that for 1993. If the resulting amount is not a multiple of \$100, we round it to the next lower multiple of \$100.

Domestic Employee Coverage Threshold Amount

Multiplying the 1995 domestic employee coverage threshold (\$1,000) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1993 (\$23,132.67) produces \$3,147.08. We then round this amount to \$3,100. Therefore, the domestic employee coverage threshold amount is \$3,100 for 2027.

Election Official and Election Worker Coverage Threshold*General*

The minimum amount an election official and election worker must earn so the earnings are covered under Social Security or Medicare is the election official and election worker coverage threshold. For 2027, this threshold is \$2,700. Section 218(c)(8)(B) of the Act provides the formula for increasing the threshold.

Computation

Under the formula, the election official and election worker coverage threshold for 2027 is equal to the 1999 amount of \$1,000 multiplied by the ratio of the national average wage index for 2025 to that for 1997. If the amount we determine is not a multiple of \$100, we round it to the nearest multiple of \$100.

Election Official and Election Worker Coverage Threshold Amount

Multiplying the 1999 coverage threshold amount (\$1,000) by the ratio of the national average wage index for 2025 (\$72,800.33) to that for 1997 (\$27,426.00) produces \$2,654.43. We then round this amount to \$2,700. Therefore, the election official and election worker coverage threshold amount is \$2,700 for 2027.

(Catalog of Federal Domestic Assistance: Program Nos. 96.001 Social Security-Disability Insurance; 96.002 Social Security-Retirement Insurance; 96.004 Social Security-Survivors Insurance; 96.006 Supplemental Security Income)

Mark Steffensen,

*Chief of Law, Policy & Legislative Affairs,
General Counsel, Social Security
Administration.*

[FR Doc. 2026-21796 Filed 10-23-26; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice: 13155]

30-Day Notice of Proposed Information Collection: Foreign Assistance Requirements

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to November 25, 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:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to PHFFA_Comments@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Foreign Assistance Recordkeeping Requirements.
 - *OMB Control Number:* None.
 - *Type of Request:* New Collection.
 - *Originating Office:* Department of State, Office of Foreign Assistance Oversight.
 - *Form Number:* No form.
 - *Respondents:* Foreign non-governmental organizations (NGOs), U.S. NGOs, and international organizations.
 - *Estimated Number of Respondents:* 2,500.
 - *Estimated Number of Responses:* 2,500.
 - *Average Time per Response:* 240 hours.
 - *Total Estimated Burden Time:* 600,000 hours.
 - *Frequency:* On occasion.
 - *Obligation to Respond:* Mandatory.
- We are soliciting public comments to permit the Department to:
- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
 - Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
 - Enhance the quality, utility, and clarity of the information to be collected.
 - Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This information collection relates to three final rules published on January 27, 2026. 91 FR 3319, 91 FR 3332, and 91 FR 3345. These rules implement the President’s Protecting Human Flourishing in Foreign Assistance (PHFFA) policy, by requiring recipients of U.S. foreign assistance funds to agree

to certain terms and conditions. In summary, foreign NGOs, U.S. NGOs, and international organizations are required to comply with the policy (foreign governments and parastatals may also be required to comply with the policies, but those entities are not “persons” under the Paperwork Reduction Act, thus not covered by this notice) and agree that during the period of the award they will segregate records so that the Department can verify that they are not violating the terms of the foreign assistance grants that were provided to them. Full details are included in the three final rules.

Methodology

There is no form involved in this information collection. The final rules require recipients of U.S. foreign assistance funds to maintain records and make business records available upon request, which is a requirement governed by the Paperwork Reduction Act. In accordance with 2 CFR 200.334, all recipients need to preserve records. The final rules require U.S. NGOs to ensure that any program, project, or activity for which funds are made available under a Department award must be organized so that the program, project, or activity is physically and financially separate from any “prohibited activities” undertaken using other funding sources. Foreign assistance grantees must ensure that all award terms flow down to any subrecipients of such assistance, as applicable.

Public Comments

The Department published a 60-day notice for this information collection on April 6, 2026. 91 FR 17322. Four comments were received from three organizations. The Department is publishing a **Federal Register** notice, soliciting comment for 30 days. The Department published a 60-day notice for this information collection on April 6, 2026. 91 FR 17322. Four comments were received from three organizations.

Summary of InterAction Comment

InterAction’s central argument is that the Department’s burden estimates fail to capture the real operational costs of PHFFA compliance, particularly because the regulations require organizations to assess activities and funding streams beyond a single U.S. Government award. Training costs are understated: one member organization consolidated training across three related regulations but still had to run both introductory and specialized HR-focused sessions, with more anticipated as interpretation evolves—meaning

these are recurring, not one-time, costs. A second major cost driver is ambiguity around allowable activities; without clear definitions or standardized documentation expectations, organizations cannot direct compliance resources efficiently and must repeatedly engage legal review. Subaward relationships compound the burden further—prime recipients must determine which PHFFA requirements apply to which partners, monitor activities funded by non-U.S. donors to assess overall organizational compliance, and in some cases provide technical assistance to partners struggling to interpret the rules against their own funding structures. InterAction warns this could push smaller local and national organizations out of U.S.-funded programs altogether, given their limited administrative capacity. Finally, the comment flags unresolved retention-period questions (duration, post-award cost allocation, audit-triggered extensions, and translation of non-English records) as a gap likely to cause organizations to over-retain records defensively, inflating costs further. InterAction’s asks are narrow and specific: clarify the scope of monitoring for non-federally-funded activities, and ensure any new compliance IT tools integrate with existing nonprofit systems rather than adding parallel administrative layers.

FAO Response

The Department of State acknowledges InterAction for its comment submitted in response to the 60-Day Notice of Proposed Information Collection: Foreign Assistance Requirements (Public Notice 12977, 91 FR 17322, April 6, 2026).

The Department acknowledges the compliance requirements on prime and sub-recipients, and will consider further additional information regarding the scope of prime recipient monitoring obligations with respect to non-U.S. Government-funded activities. The Department also notes InterAction’s concern regarding potential compliance costs and will take these issues into consideration.

Regarding InterAction’s points on record retention, the guidance outlined in 2 CFR 200.334 (Uniform Guidance) shall apply. Records must generally be retained for three years from the date of the final expenditure report, subject to applicable exceptions.

Taking note of InterAction’s observation on technology and automation, the Department does not require recipients to maintain technological or automated compliance systems for the purposes of PHFFA

compliance. To the extent a recipient implements a PHFFA-specific technological or automated monitoring system, the Department suggests that any technological solutions should be designed to integrate with existing compliance systems wherever possible. Regarding InterAction's observations on award budget structures appropriately accounting for PHFFA compliance costs, particularly for organizations managing complex partner networks, the Department takes seriously its obligations under the PRA to ensure burden estimates are accurate, information collections are clear and useful, and reporting burden is minimized. *See* 44 U.S.C. 3506(c)(2)(A)–(C). The Department remains committed to maintaining an open dialogue for ongoing feedback in relation to the demonstrated burden estimates.

Conclusion

The Department thanks InterAction for its comment. The Department is committed to working with the implementing partner community to ensure that PHFFA compliance requirements are clear and accurately reflected in the burden estimates submitted to OMB.

Summary of National Catholic Bioethics Center Comment and FAO Response

The NCBC provided an argument focused on Title X of the Public Health Service Act. The Department does not implement Title X programs.

Summary of The Council for Global Equality Comment

CGE's comment is a procedural challenge under the Paperwork Reduction Act, not a policy critique of PHFFA's substance. The core claim is that the Notice fails all four PRA evaluation criteria because it discloses almost nothing about what records must be kept, why the collection is necessary, or how it will be used—stating only that recipients must maintain records “separate” from non-federally-funded activities and make them available on request. CGE identifies a specific legal defect here: the underlying Rules only require U.S. NGOs to keep separate records, yet the Notice/Supporting Statement extend this obligation to foreign recipients as well, a requirement they argue appears nowhere in the Rules themselves. On burden estimation, CGE documents two concrete numerical inconsistencies: a 52,500-hour gap between the Rules' estimate (652,500 hours) and the Notice's estimate (600,000 hours), and an approximately \$85 million discrepancy in per-hour cost assumptions (\$175/hour in the

Rules versus \$50/hour in the Supporting Statement, yielding \$114M vs. \$30M total cost estimates)—with no explanation offered for either gap. CGE also argues the Notice's respondent count (2,500) is unrealistic because it excludes subgrantees and subrecipients who are independently subject to monitoring obligations under the Rules; they cite an example of a single foreign NGO with roughly 1,500 subgrantees to illustrate how far off the estimate could be. Separately, CGE notes the Notice does not address burden-minimization for small entities as required by the PRA, and the Supporting Statement's response—that requirements apply “equally to large and small grantees”—does not satisfy that obligation. CGE's requested remedy is not to block the rule but to require the Department to withdraw and reissue the Notice with sufficient detail to allow a genuine 60-day comment period, arguing the current process is procedurally inadequate as a matter of law.

FAO Response

The Department of State has reviewed the comment submitted by the Council for Global Equality (CGE), Professor Pamela Herd, and Professor Donald Moynihan in response to the 60-Day Notice of Proposed Information Collection: Foreign Assistance Requirements (Public Notice 12977, 91 FR 17322, April 6, 2026).

The commenters objected to the Notice's application of the segregation requirement to foreign recipients as contradicting the rules. The rules require U.S. NGOs to ensure that any program, project, or activity for which funds are made available under a Department award must be organized so that the program, project, or activity is physically and financially separate from any “prohibited activities” undertaken using other funding sources. However, in accordance with 2 CFR 200.334, all recipients need to preserve records. The Department recognizes that the terminology utilized in the Notice generated confusion due to the separation requirement for U.S. NGOs under the rules and will clarify the terminology in the 30 day notice. Regarding the concern on information collection, Appendix A to Part 602 I outlines relevant terms and conditions in alignment with Part 200 of Title 2 of the CFR.

Additionally, the Department's operating expectation is that grantees will be required to maintain records that track expenses attributable to U.S. funded activities separate from expenses attributable to other activities. A single record or records system may include

both U.S. funded and other expenses but the U.S. funded expenses would need to be demonstrated separately. For U.S. NGOs impacted by the physical separation requirement, the requirement that U.S. NGOs maintain records for U.S. funded activities and that those records are physically separate from the records of other activities, the Department confirms that that requirement applies only to U.S. NGOs and only when there is an activity funded from any other source that would otherwise be prohibited under the rules. Reiterating this point, a U.S. NGO needs to maintain physical and financial separation only if it engages in any of the otherwise “prohibited activities” outlined in the rules—with another source of funds. Certain activities remain prohibited for U.S. NGOs regardless of funding sources.

Regarding concerns that there are calculation discrepancies between the burden figures in the final rules, the Notice, and the Supporting Statement. The final rules address compliance estimates beyond the more narrow scope of the PRA notice which is focused on the information collection. The final rules also include associated training. The Department is aware that burden estimates at the notice stage are preliminary and welcome continued dialogue with implementers as these compliance costs become more apparent.

Regarding the comment's point that the estimate of 2,500 respondents fails to account for subrecipients, the Department's position is that prime recipients have the duty to monitor their subrecipients and the estimate reflects the respondents as the prime recipient. The final rules require prime recipients to ensure that award terms flow down to subrecipients, as applicable, and to monitor subrecipient compliance.

Regarding the issue of the Small Entity Burden, the Department acknowledges that the PRA requires agencies to consider how to minimize burden on small entities, including through exemptions or simplified requirements that account for resource limitations.

Effect on the Proposed Collection

The Department has considered the commenters' submission in full. These actions reflect the Department's standard process for finalizing a PRA submission and are responsive to the requirements of 44 U.S.C. 3506(c)(2)(A)–(C).

The Department does not agree that the collection must be withdrawn and reissued. The concerns raised are appropriately addressed through the

Supporting Statement and supplemental guidance, which are the standard mechanisms for providing the level of detail the commenters seek.

Conclusion

The Department thanks the Council for Global Equality, Professor Herd, and Professor Moynihan.

Ryan H. Leppert,

Chief of Staff, Office of the Under Secretary for Foreign Assistance, Humanitarian Affairs, and Religious Freedom, U.S. Department of State.

[FR Doc. 2026–21756 Filed 10–23–26; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Further Suspension of Section 301 Action: China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Request for comments.

SUMMARY: To allow for further negotiation with China regarding the acts, policies, and practices at issue in this investigation, the U.S. Trade Representative (Trade Representative) is proposing to modify the action taken in this investigation to further suspend that action for two months, through January 9, 2027. This notice invites public comment from interested parties on the proposed modification.

DATES:

October 23, 2026, 9:00 a.m. Eastern Time: Comment period opens.

October 30, 2026, 5:00 p.m. Eastern Time: To be assured of consideration, submit written comments regarding the proposed modification of the action by this date.

FOR FURTHER INFORMATION CONTACT:

Philip Butler, Deputy Assistant U.S. Trade Representative for Monitoring and Enforcement; Thomas Au, Senior Counsel for Industrial Policy; or David Salkeld, Associate General Counsel at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

I. Background

For background on the proceedings in this investigation, please see the prior notices issued in this investigation, including 89 FR 29424 (April 22, 2024), 90 FR 8089 (January 23, 2025), 90 FR 10843 (February 27, 2025), 90 FR 17114 (April 23, 2025) (April 23, 2025 notice), 90 FR 24856 (June 12, 2025), 90 FR

48320 (October 16, 2025) (October 16, 2025 notice); 90 FR 50762 (November 10, 2025) (November 10, 2025 notice), and 90 FR 50947 (November 13, 2025) (November 13, 2025 notice).

On April 17, 2025, pursuant to sections 301(b), 301(c), and 304(a) of the Trade Act of 1974, as amended (19 U.S.C. 2411(b), 2411(c), and 2414(a)), and following consideration of public comments, as well as consultations with advisory committees and the Section 301 Committee, the Trade Representative determined to take action in this investigation. *See* April 23, 2025 notice.

On November 1, 2025, the White House announced a historic trade and economic deal reached between President Trump and President Xi Jinping of China.¹ Pursuant to this deal, the United States would suspend for one year, beginning on November 10, 2025, the responsive actions taken in this investigation. This period would allow the United States to negotiate with China pursuant to Section 301 regarding the issues raised in this investigation as well as to continue U.S. domestic efforts and discussions with key allies and partners on revitalizing American shipbuilding.

On November 6, 2025, pursuant to this deal, the Trade Representative, at the direction of the President, proposed to suspend for one year, beginning on November 10, 2025, the responsive actions taken in this investigation. *See* November 10, 2025 notice.

Following consideration of public comments and advice from the Section 301 Committee, the Trade Representative suspended the actions in this investigation from 12:01 a.m. Eastern Time on November 10, 2025, through 11:59 p.m. Eastern Time on November 9, 2026. *See* November 13, 2025 notice.

II. Request for Comments

The United States is continuing to engage with China with the goal of obtaining the elimination of the acts, policies, and practices at issue in the investigation. The Trade Representative is therefore proposing to further suspend for two months, through January 9, 2027, the responsive actions taken in this investigation. The Trade Representative is requesting comments from any interested person regarding the proposal to suspend the responsive actions from 12:00 a.m. Eastern Time on

November 10, 2026, through 11:59 p.m. Eastern Time on January 9, 2027.

During the suspension period, no party would accrue liability for or be required to pay the fees on maritime transport services under Annexes I, II, or III of the April 23, 2025 notice, as modified by the October 16, 2025 notice. Further, during the suspension period, no party would accrue liability for or be required to pay the duties provided in Annex V.A of the October 16, 2025 notice.

III. Request for Public Comments

In accordance with Section 307(a)(2) of the Trade Act (19 U.S.C. 2417(a)(2)), USTR invites comments from interested persons with respect to the proposed modification to further suspend the action as described in Section II above. To be assured of consideration, you must submit written comments on the proposed modification by October 30, 2026, at 5:00 p.m. Eastern Time.

IV. Procedures for Written Comments

You must submit written comments using docket number USTR–2026–0694 on the electronic portal at <https://comments.ustr.gov/s/>. To submit written comments, use the docket on the portal entitled “Request for Comments on Further Suspension of Section 301 Action: China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance.”

You do not need to establish an account to submit comments. The first screen of each docket allows you to enter identification and contact information. Third party organizations such as law firms, trade associations, or customs brokers, should identify the full legal name of the organization they represent, and identify the primary point of contact for the submission. Information fields are optional; however, your comment or request may not be considered if insufficient information is provided. Fields with a gray Business Confidential Information (BCI) notation are for BCI information which will not be made publicly available. Fields with a green (Public) notation will be viewable by the public.

After entering the identification and contact information, you can complete the remainder of the comment, or any portion of it by clicking ‘Next.’ You may upload documents at the end of the form and indicate whether USTR should treat the documents as business confidential or public information.

Any page containing BCI must be clearly marked ‘BUSINESS CONFIDENTIAL’ on the top of that page and the submission should clearly indicate, via brackets, highlighting, or

¹ Fact Sheet, The White House, President Donald J. Trump Strikes Deal on Economic and Trade Relations with China (Nov. 1, 2025), <https://www.whitehouse.gov/fact-sheets/2025/11/fact-sheet-president-donald-j-trump-strikes-deal-on-economic-and-trade-relations-with-china/>.

other means, the specific information that is BCI. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public.

Parties uploading attachments containing BCI also must submit a public version of their comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact the USTR Section 301 support line at (202) 395-5725 to discuss whether alternative arrangements are possible.

USTR will post attachments uploaded to the docket for public inspection, except for properly designated BCI. You can view submissions on USTR's electronic portal at <https://comments.ustr.gov/s/> by entering docket number USTR-2026-0694 in the search field on the home page.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2026-21755 Filed 10-23-26; 8:45 am]

BILLING CODE 3390-F4-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-3730]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From R.B. Stewart Petroleum Products, Inc., USDOT # 1290158

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an application from R.B. Stewart Petroleum Products, Inc., USDOT No. 1290158, (R.B. Stewart) for an exemption from the requirement that lighting devices be steady burning. The exemption would allow the company to operate commercial motor vehicles (CMVs) equipped with a module manufactured by Intellistop, Inc. (Intellistop) which pulses the rear clearance, identification, and brake lamps from low-level lighting intensity to high-level lighting intensity 4 times in 2 seconds when the brakes are applied, and then return the lights to a steady-burning state while the brakes remain engaged. FMCSA requests public

comment on the applicant's request for exemption.

DATES: Comments must be received on or before November 25, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2026-3730 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493-2251.

Each submission must include the Agency name and the docket number (FMCSA-2026-3730) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA; MCPSV@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2026-3730), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or

by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2026-3730/document>, click on this notice, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as "PROPIN" to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Sarah Stella, Chief, Regulatory Development Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at sarah.stella@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA-2026-3730 in the keyword box,

select the document tab and choose the document to review. To view comments, click this notice, then click "Browse Comments." If you do not have access to the internet, you may view the docket by visiting Dockets Operations in the DOT West Building, 1200 New Jersey Avenue SE, W58-213, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision(s) from which the exempted party will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant's Request

Current Regulatory Requirements

Section 393.25(e) of the FMCSRs requires all exterior lamps (both required lamps and any additional lamps) to be steady burning except turn signal lamps, hazard warning signal lamps, school bus warning lamps, amber warning lamps or flashing warning lamps on tow trucks and CMVs transporting oversized loads, and warning lamps on emergency and service vehicles authorized by State or local authorities.

Applicant's Request

R.B. Stewart seeks a 5-year exemption from 49 CFR 393.25(e) to allow the use of the Intellistop electronic module on its CMVs. The module pulses the existing rear clearance, identification,

and brake lamps from low to high lighting intensity 4 times in 2 seconds, after which the lamps return to steady-burning illumination for the remainder of the time the brakes are applied.

R.B. Stewart asserts that the use of the Intellistop module would enhance the visibility of its CMVs and improve the ability of following drivers to recognize braking events. The applicant maintains that the module would provide an additional layer of protection against rear-end collisions, particularly for its cargo tank trailers, by providing earlier warning to following motorists and increasing their available reaction time.

In support of its application, R.B. Stewart cites research conducted by the National Highway Traffic Safety Administration concerning enhanced rear lighting and signaling systems. The applicant asserts that pulsating brake lamps may increase vehicle visibility and reduce the frequency of rear-end crashes, thereby achieving a level of safety equivalent to, or greater than, the level that would be achieved without the requested exemption.

On October 7, 2022, FMCSA denied Intellistop's application for an industry-wide exemption (87 FR 61133) to allow all motor carriers to operate CMVs equipped with Intellistop's module. FMCSA noted that the decision did not preclude individual motor carriers from seeking an exemption from 49 CFR 393.25(e) to purchase, install, and use Intellistop's device, subject to terms and conditions that would allow sufficient monitoring of the device's use. Consistent with the October 7, 2022, decision, the Agency seeks public comment on R.B. Stewart's carrier-specific exemption application.

A copy of R.B. Stewart's application and supporting materials are available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on R.B. Stewart's application for an exemption from the requirement of 49 CFR 393.25(e). All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested

persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026-21812 Filed 10-23-26; 8:45 am]

BILLING CODE 4910-EX-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 21, 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 21, 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.

Individuals

1. KARNAKIS KOSMAS, Ioanis, Panama City, Panama; DOB 20 Aug 1982; POB Panama; nationality Panama; Gender Male; Passport PA1335855 (Panama) expires 05 Feb 2030 (individual) [IRAN-EO13902] (Linked To: KARNAKIS AND KARNAKIS).

Designated pursuant to section 1(a)(iv) 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 having acted or purported to act for or on behalf of, directly or indirectly, KARNAKIS AND KARNAKIS, a person whose property and interests in property are blocked pursuant to E.O. 13902.

2. KARNAKIS KOSMAS, Konstantinos, Panama; DOB 22 Feb 1981; POB Panama; nationality Panama; alt. nationality Greece; Gender Male; Cedula No. 8-744-805 (Panama); Passport PA1035491 (Panama) expires 04 Apr 2028 (individual) [IRAN-EO13902] (Linked To: KARNAKIS AND KARNAKIS).

Designated pursuant to section 1(a)(iv) of E.O. 13902 for having acted or purported to act for or on behalf of, directly or indirectly, KARNAKIS AND KARNAKIS, a person whose property and interests in property are blocked pursuant to E.O. 13902.

3. ORTEGA JONES, Pedro, Panama City, Panama; DOB 31 Jan 1976; nationality Panama; Gender Male; Cedula No. 8-505-139 (Panama); Passport PA0865191 (Panama) expires 10 Mar 2027 (individual) [IRAN-EO13902] (Linked To: KARNAKIS AND KARNAKIS).

Designated pursuant to section 1(a)(iv) of E.O. 13902 for having acted or purported to act for or on behalf of,

directly or indirectly, KARNAKIS AND KARNAKIS, a person whose property and interests in property are blocked pursuant to E.O. 13902.

4. ORTEGA JONES, Roberto, Panama City, Panama; DOB 24 Dec 1972; nationality Panama; Gender Male; Identification Number PE-7-925 (Panama) (individual) [IRAN-EO13902] (Linked To: KARNAKIS AND KARNAKIS).

Designated pursuant to section 1(a)(iv) of E.O. 13902 for having acted or purported to act for or on behalf of, directly or indirectly, KARNAKIS AND KARNAKIS, a person whose property and interests in property are blocked pursuant to E.O. 13902.

5. KARNAKIS KOSMAS, Sofianos, Panama City, Panama; DOB 06 Jan 1975; POB Panama; nationality Panama; alt. nationality Greece; Gender Male; Cedula No. 8-708-550 (Panama); Passport PA1335856 (Panama) expires 05 Feb 2030 (individual) [IRAN-EO13902] (Linked To: KARNAKIS AND KARNAKIS).

Designated pursuant to section 1(a)(iv) of E.O. 13902 for having acted or purported to act for or on behalf of, directly or indirectly, KARNAKIS AND KARNAKIS, a person whose property and interests in property are blocked pursuant to E.O. 13902.

Entities

1. KARNAKIS AND KARNAKIS, Global Plaza Building, Calle 50, Floor

21, Panama City, Panama; 158 II Merachias and Alkiviadou, Piraeus 185 35, Greece; website karnakiskarnakis.com; Organization Established Date 13 Mar 2006; Organization Type: Legal activities; RUC # 921299-2-23411 (Panama) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum and petrochemical sectors of the Iranian economy.

2. ROXETTE MARITIME SHIPPING AND TRADING S.A., Panama; 5th Floor, 90 Iroon Politechneiou Avenue, Piraeus 185 36, Greece; Organization Established Date 03 Jan 2023; RUC # 155731846-2-2023 (Panama); Identification Number IMO 6385886 [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petrochemical sector of the Iranian economy.

3. AMIGOZ SINGAPORE PTE. LTD., 2 Leng Kee Road, #02-10, Thye Hong Centre, Singapore 159086, Singapore; website <https://amigozsg.com>; Organization Established Date 27 Nov 2019; Business Number 201940121Z (Singapore) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

4. WHALES SHIPPING LINE LLC (Arabic: وائلش شيبينغ لاين ذ م م), Office 412, Parcel 243-210, Al Qusais Industrial Second, Deira, Dubai, United Arab Emirates; 405 Al Mansour Building, Damascus Road, Al Qusais, Dubai, United Arab Emirates; Website www.whalsshipping.com; Organization Established Date 09 Jan 2013; Identification Number IMO 6417176; License 681649 (United Arab Emirates); Chamber of Commerce Number 213388 (United Arab Emirates); Business Registration Number 10889096 (United Arab Emirates); Registration Number 1107940 (United Arab Emirates) [IRAN-EO13902] (Linked To: AMIGOZ SINGAPORE PTE. LTD.).

Designated pursuant to section 1(a)(iii) of E.O. 13902 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AMIGOZ SINGAPORE PTE. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13902.

Vessels

1. ANEMOS (3E2064) General Cargo Panama flag; Vessel Year of Build 1999; Vessel Registration Identification IMO 9205952; MMSI 352898798 (vessel) [IRAN-EO13902] (Linked To: ROXETTE

MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND TRADING S.A., a person whose property and interests in property are

blocked pursuant to E.O. 13902, has an interest.

2. GLORIS (3E6032) Bulk Carrier Panama flag; Vessel Year of Build 2010; Vessel Registration Identification IMO 9449510; MMSI 352003155 (vessel) [IRAN-EO13902] (Linked To: ROXETTE

MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND TRADING S.A., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

3. PRIDE (3E5229) Bulk Carrier Panama flag; Vessel Year of Build 2011; Vessel Registration Identification IMO 9487407; MMSI 352003589 (vessel) [IRAN-EO13902] (Linked To: ROXETTE MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND TRADING S.A., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

4. DESTINY (3FRG6) General Cargo Panama flag; Vessel Year of Build 2009; Vessel Registration Identification IMO 9385491; MMSI 370662000 (vessel) [IRAN-EO13902] (Linked To: ROXETTE MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND TRADING S.A., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

5. FLAMINGO 1 (3E2656) Bulk Carrier Panama flag; Vessel Year of Build 2010; Vessel Registration Identification IMO 9474199; MMSI 352002503 (vessel) [IRAN-EO13902] (Linked To: ROXETTE MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND TRADING S.A., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

6. HARMONY (3E7470) General Cargo Panama flag; Vessel Year of Build 2010; Vessel Registration Identification IMO 9449522; MMSI 352003307 (vessel) [IRAN-EO13902] (Linked To: ROXETTE MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND TRADING S.A., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

7. PRINCE (3E8283) Bulk Carrier Panama flag; Vessel Year of Build 2010; Vessel Registration Identification IMO 9548316; MMSI 352005105 (vessel) [IRAN-EO13902] (Linked To: ROXETTE MARITIME SHIPPING AND TRADING S.A.).

Identified as property in which ROXETTE MARITIME SHIPPING AND

TRADING S.A., a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

8. WHALES DIAMOND (A6E2076) Crew/Supply Vessel United Arab Emirates flag; Vessel Year of Build 2006; Vessel Registration Identification IMO 9375032; MMSI 470132000 (vessel) [IRAN-EO13902] (Linked To: WHALES SHIPPING LINE LLC).

Identified as property in which WHALES SHIPPING LINE LLC, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

9. WHALES PEARL Crew/Supply Vessel United Arab Emirates flag; Vessel Year of Build 2008; Vessel Registration Identification IMO 9483114; MMSI 470034000 (vessel) [IRAN-EO13902] (Linked To: WHALES SHIPPING LINE LLC).

Identified as property in which WHALES SHIPPING LINE LLC, 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. 2026-21733 Filed 10-23-26; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Notice to Account Holder for Garnishment of Accounts Containing Federal Benefit Payments

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collection listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before December 28, 2026.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to U.S. Department of the Treasury, Attention: Treasury PRA Clearance Officer, 1500 Suite #8100, JBAB, 250 Murray Lane SW, BLDG 410/Door 123,

Washington, DC 20222., or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927-5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice to Account Holder for Garnishment of Accounts Containing Federal Benefit Payments.

OMB Control Number: 1505-0230.

Type of Review: Extension of a currently approved collection.

Description: Under 31 CFR 212.6, financial institutions provide notices to account holders when a garnishment order affects an account receiving directly deposited federal benefit payments, a protected amount has been established, and funds exceeding that amount are subject to garnishment. The notice explains the garnishment order, protected amount, any applicable fee, and the account holder's rights. The supporting statement also estimates burden for maintaining garnishment records under 31 CFR 212.11 and attaching a Notice of Right to Garnish Federal Benefits to certain child support orders. The 2023 supporting statement reports no program changes but describes a revised burden-estimation methodology.

Form: None.

Affected Public: Private Sector; State, Local, and Tribal Governments.

Estimated Number of Respondents: 487,750.

Frequency of Response: On occasion (upon qualifying garnishment events).

Estimated Total Number of Annual Responses: 487,750.

Estimated Time per Response: 10 minutes per account-holder notice; 5 minutes per child support notice.

Estimated Total Annual Burden Hours: 76,688.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the 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 technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

(Authority: 44 U.S.C. 3501 *et seq.*)

Juliana L. Pearson,

Treasury PRA Clearance Officer.

[FR Doc. 2026–21774 Filed 10–23–26; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0515]

Agency Information Collection Activity: Maintenance of Records Under 38 CFR 36.4333

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before December 28, 2026.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202 461–9760, Kendra.McCleave@va.gov.

VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Maintenance of Records Under 38 CFR 36.4333.

OMB Control Number: 2900–0515. <https://www.reginfo.gov/public/do/PRASearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Extension without change of a currently approved collection.

Abstract: The Maintenance of Records Under 38 CFR 36.4333, VA is

submitting this renewal of the information collection, which reflects a previously approved update, in advance of implementing new technology and oversight procedures in which VA will collect from lenders certain loan origination information solely through an application programming interface (API) for loans selected for examination or audit. The information collected under § 36.4333 is used by VA to ensure lenders and servicers who participate in VA's Loan Guaranty program follow statutory and regulatory requirements, such as those relating to credit information, loan processing requirements, underwriting standards, servicing requirements, and other applicable laws, regulations and policies. VA also uses data collected under this authority to provide annual feedback to lenders, through the Lender Scorecard, on certain loan characteristics such as interest rate, fees and charges, audit results, etc., as compared to the national average of all VA lenders.

Affected Public: Individuals and households.

Estimated Annual Burden: 11,808 hours.

Estimated Average Burden per Respondent: 0.01 Hours.

Frequency of Response: 2.9.

Estimated Number of Respondents: 1,385,000.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information and Technology/Office of Data Governance and Analytics, Department of Veterans Affairs.

[FR Doc. 2026–21800 Filed 10–23–26; 8:45 am]

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Part II

Department of the Treasury

Office of Investment Security

31 CFR Parts 850 and 851

Outbound Investment Security Program Regulations; Proposed Rule

DEPARTMENT OF THE TREASURY**Office of Investment Security****31 CFR Parts 850 and 851**

[Docket No. TREAS–DO–2026–0595]

RIN 1505–AC94

**Outbound Investment Security
Program Regulations****AGENCY:** Office of Investment Security,
Department of the Treasury.**ACTION:** Proposed rule.

SUMMARY: This proposed rule sets forth regulations that would implement Subtitle C of the Comprehensive Outbound Investment National Security Act, which is codified at Title VIII of the Defense Production Act. The proposed rule would require United States persons to provide notification to the U.S. Department of the Treasury regarding certain transactions involving foreign persons that are engaged in notifiable technologies; and prohibit United States persons from engaging in certain other transactions involving foreign persons that are engaged in prohibited technologies. Where consistent with Title VIII, the proposed rule incorporates certain definitions and concepts from the current regulations governing the Outbound Investment Security Program. The proposed rule also would add applicability dates to the regulations, such that those regulations would continue to apply to activities that occurred within the relevant timeframe.

DATES: Written comments must be received by December 7, 2026.**ADDRESSES:** Written comments on this proposed rule may be submitted through one of two methods:

- *Electronic Submission:* Comments may be submitted electronically through the Federal Government eRulemaking portal at <https://www.regulations.gov>. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables the Department of the Treasury to make the comments available to the public.

- *Mail:* Send to U.S. Department of the Treasury, Attention: Meena R. Sharma, Director, Office of Investment Security Policy and International Relations, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

We encourage comments to be submitted via <https://www.regulations.gov>. Please submit comments only and include your name and organization name (if any) and cite “Outbound Investment Security

Program Regulations” in all correspondence. All comments submitted, including attachments and other supporting material, in response to this Notice of Proposed Rulemaking will be made public, including any personally identifiable or confidential business information that is included in a comment. Therefore, you should submit only information that you wish to make publicly available.

As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the proposed rule is available at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Meena R. Sharma, Director, Office of Investment Security for Policy and International Relations, at U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; email: OIS.Outbound.Regulations@treasury.gov.

SUPPLEMENTARY INFORMATION:**I. Background***A. Executive Order 14105 and Current Outbound Investment Security Program*

On August 9, 2023, Executive Order 14105 (88 FR 54867), “Addressing United States Investments in Certain National Security Technologies and Products in Countries of Concern” (the Outbound Order), was issued. The Outbound Order described the threat posed to the United States by countries of concern that exploit, or have the ability to exploit, certain U.S. outbound investments, including certain intangible benefits that often accompany U.S. investments and that help companies succeed. The Outbound Order identified the People’s Republic of China (PRC), along with the Special Administrative Regions of Hong Kong and Macau, as a country of concern, and identified three technology areas for coverage.

On November 15, 2024, the Department of the Treasury (Treasury Department) published regulations to implement the Outbound Order. These regulations are found at 31 CFR part 850 (Part 850 Regulations), and they established the Outbound Investment Security Program (OISP), which went into effect on January 2, 2025. Among other things, the Part 850 Regulations (1) require U.S. persons to provide notification to the Treasury Department regarding certain transactions involving persons of a country of concern that are engaged in specified activities in the semiconductor and microelectronics and artificial intelligence (AI) sectors

that may contribute to the threat to the national security of the United States; and (2) prohibit U.S. persons from engaging in certain other transactions involving persons of a country of concern that are engaged in other specified activities in the semiconductor and microelectronics, quantum information technologies, and AI systems sectors that pose a particularly acute national security threat to the United States.

In the time since the OISP went into effect (approximately 21 months), the Treasury Department has received approximately 100 notifications of investments in the semiconductor and AI industries from a range of transaction parties, including venture capital firms, asset managers, investment banks, and individual investors and entrepreneurs. Many other transaction parties and their counsel have engaged with the Treasury Department during this time. The Treasury Department also has been closely monitoring investment activity that may be subject to the OISP, because such investment was either potentially prohibited or not notified. Additionally, the Treasury Department has engaged with a wide range of stakeholders across industries, issued guidance and responses to more than 50 Frequently Asked Questions, and launched a website dedicated to the OISP that includes an online portal for submission of notifications.

B. Comprehensive Outbound Investment National Security Act of 2025

On December 18, 2025, Congress enacted the Comprehensive Outbound Investment National Security (COINS) Act as part of the National Defense Authorization Act for Fiscal Year 2026 (FY26 NDAA). In passing the COINS Act, Congress made clear that restricting certain U.S. outbound investments into dual-use strategic technologies that benefit a foreign adversary’s military modernization efforts, surveillance states, and human rights abuses is necessary to prevent harm to U.S. national security and foreign policy interests. In addition, Congress stated that the President should exercise the authorities granted in the COINS Act to prevent countries of concern from exploiting U.S. capital to undermine U.S. national security and foreign policy interests.

Subtitle C of the COINS Act adds Title VIII to the Defense Production Act of 1950, 50 U.S.C. 4581–4589 (Title VIII), and establishes a statutory basis for the OISP. In the COINS Act, Congress codified the framework for the Secretary of the Treasury (Secretary) to (1) require United States persons to provide

notification to the Treasury Department regarding certain transactions involving foreign persons engaged in notifiable technologies, and (2) prohibit United States persons from engaging in certain other transactions involving foreign persons engaged in prohibited technologies. Title VIII maintains various aspects of the current OISP—such as its application to certain transactions involving the semiconductor and microelectronics, AI systems, and quantum information technologies sectors in the PRC including the Hong Kong and Macau Special Administrative Regions—while broadening the program to address threats to U.S. national security posed by other advanced technologies. Specifically, Title VIII expands the OISP’s jurisdiction to include two new technology sectors (in addition to the three already covered under the Part 850 Regulations): (1) high-performance computing and supercomputing; and (2) hypersonic systems. Title VIII also authorizes the Secretary—in consultation with the appropriate congressional committees and subject to notice and comment—to identify additional categories of notifiable and prohibited technologies beyond those specifically listed in the law that enable the military, intelligence, surveillance, or cyber-enabled capabilities of a country of concern, and to define the technical parameters of the technologies within those categories as reasonably needed for national security purposes.

Title VIII includes an expanded list of countries of concern. In addition to the PRC (including Hong Kong and Macau), Title VIII includes as *countries of concern* the Republic of Cuba, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Russian Federation, and the Bolivarian Republic of Venezuela under the regime of Nicolás Maduro Moros. Title VIII uses the terms *notifiable technology* and *prohibited technology* to capture the relevant technologies for coverage largely in place of the terms “notifiable transaction” and “prohibited transaction” found in the Part 850 Regulations. Title VIII uses the term *covered national security transaction* (in place of the term “covered transaction” found in the Part 850 Regulations) and explicitly excepts from its coverage, among other things, underwriting services (including where such services involve the acquisition of equity), bank lending, processing or clearing of payments, prime brokerage, and global custody services. Title VIII also includes exceptions for *de minimis* transactions, specifically for (1) any transaction the

value of which the Secretary determines is *de minimis* and (2) certain investments made by a limited partner or the equivalent where committed capital is not more than a *de minimis* amount, as determined by the Secretary. Title VIII does not set such *de minimis* values and instead grants the Secretary the discretion to do so. Title VIII additionally defines a *covered foreign person* only in terms of such person’s relationship to a *country of concern* and not in connection with the technology or technologies in which such person engages (in contrast to the Part 850 Regulations, where “covered foreign person” has a different meaning).

In addition to certain changes that expand the scope of the OISP, Title VIII includes certain new processes. In particular, Title VIII requires the Treasury Department to implement regulations establishing a process under which a person can request confidential non-binding feedback or anonymized public guidance for a potentially *prohibited transaction*. Title VIII also requires the Secretary to establish a mechanism for the public to submit evidence on a confidential basis with respect to whether a *foreign person* is a *covered foreign person* engaged in a *prohibited technology* or a *notifiable technology*. Title VIII further provides the Secretary with the discretionary authority to establish a publicly accessible, non-exhaustive database that identifies *covered foreign persons* that are engaged in a *prohibited technology* or a *notifiable technology*.

II. The Proposed Rule

A. Scope and Structure of the Proposed Rule

The United States remains committed to maintaining a strong, open investment environment and supporting cross-border investment where consistent with the protection of U.S. national security. Certain U.S. investments, however, may be exploited by countries of concern to advance the development of sensitive technologies and products that contribute to those countries’ military, intelligence, surveillance, or cyber-enabled capabilities.

This current rulemaking seeks comment on the draft regulatory framework (Proposed Rule) to implement Subtitle C of the COINS Act. Consistent with the sense of Congress, in implementing the COINS Act, the Treasury Department seeks to (1) restrict certain U.S. outbound investments into certain technologies in countries of concern as is necessary to prevent harm to United States national security and

foreign policy interests; and (2) balance the priority of protecting the national security interest of the United States while, to the extent practicable, minimizing the cost and complexity of compliance, adopting the least burdensome alternative that achieves regulatory objectives, and prioritizing transparency and stakeholder involvement in the process of issuing the rules.

To implement Title VIII, Congress has directed the Secretary to issue or update current regulations that, as necessary, amend, terminate, supersede, revoke, or streamline the existing requirements in the Part 850 Regulations. Where consistent with Title VIII, the Proposed Rule incorporates certain definitions and concepts from the Part 850 Regulations. Where Title VIII uses new or different terminology, the Treasury Department has made adjustments while seeking, to the extent consistent with congressional intent, to preserve relevant aspects of the Part 850 Regulations. This approach is intended to minimize the cost and complexity of compliance for affected parties by maintaining certain definitions and concepts with which the regulated community is already familiar.

The Proposed Rule, therefore, includes detailed definitions and descriptions of terms and elements to clearly delineate the scope of coverage and facilitate compliance by U.S. persons. At the same time, the Proposed Rule seeks to avoid loopholes that could undermine the intent of the COINS Act. The Treasury Department seeks input on how the Proposed Rule can best meet these objectives.

Consistent with Title VIII, the Proposed Rule would place certain obligations upon any U.S. person in connection with a *covered national security transaction* in a *prohibited technology* or in a *notifiable technology*. A *covered national security transaction* would involve a U.S. person’s investment in, or other specific activities in connection with, a *covered foreign person* that “engages in” a *prohibited technology* or *notifiable technology*. The proposed definition of *covered foreign person* is based on the person’s relationship with a *country of concern*. A *covered national security transaction* relating to a *prohibited technology*—i.e., where the relevant *covered foreign person* “engages in” a *prohibited technology*—would be a *prohibited transaction*, meaning it could not legally be undertaken. As set forth in the Proposed Rule, a *covered foreign person* “engages in” a *prohibited technology* when it undertakes an activity specified in the definition of

prohibited technology. The Proposed Rule would define *prohibited technology* to include specific activities in the sensitive technology sectors identified in Title VIII or by the Secretary pursuant to statutory authority. Meanwhile, a *covered national security transaction* in a *notifiable technology*—i.e., where the relevant *covered foreign person* “engages in” a *notifiable technology*—would be a *notifiable transaction*, meaning that it would be permitted under the Proposed Rule where a *U.S. person* would need to submit specified information about the transaction to the Treasury Department. As set forth in the Proposed Rule, a *covered foreign person* “engages in” a *notifiable technology* when it undertakes an activity specified in the definition of *notifiable technology*. The Proposed Rule would define *notifiable technology* to include certain other (i.e., non-prohibited) specific activities in the sensitive technology sectors identified in Title VIII or by the Secretary pursuant to statutory authority. Further, a *U.S. person* would have certain obligations under the Proposed Rule in connection with certain transactions undertaken by any non-U.S. person entity that it controls, referred to as a *controlled foreign entity*. These and other terms are defined in Subpart B of the Proposed Rule.

Under the Proposed Rule, a *U.S. person* undertaking a transaction would have the obligation to determine whether the given transaction is prohibited, permissible but subject to notification requirements, or not covered by the Proposed Rule because it is an *excepted transaction*, it is exempt, or it is not within the jurisdiction set forth under the Proposed Rule. A *U.S. person* could seek a national interest exemption from the prohibition set out in the Proposed Rule by following the process described in § 851.502 and further discussed below.

As directed by Title VIII, the provisions contained in the Proposed Rule will not have retroactive effect. The Part 850 Regulations, however, will continue to apply to activities occurring between January 2, 2025, and the effective date of the final regulations implementing Title VIII. Nothing in this Proposed Rule limits the authority of the Treasury Department or any other department or agency of the U.S. Government to take action, including enforcement action, in connection with conduct that would be a violation of the Part 850 Regulations, as applicable.

In Section III, the Treasury Department seeks comment from stakeholders regarding the provisions of

the Proposed Rule. The Treasury Department asks commentors to provide, where possible, empirical data or other specific information in support of their comments.

B. Discussion of the Proposed Rule

The following discussion provides an overview and narrative description of the key substantive provisions of the Proposed Rule to implement Title VIII. Because the Part 850 Regulations will remain in effect for transactions occurring during the relevant period, the Treasury Department views establishing a new Part 851 within Title 31 of the Code of Federal Regulations with the full process, procedures, and requirements under Title VIII as the most administrable approach. To make clear the applicability of the Part 850 Regulations, the Proposed Rule also would add a new § 850.105 to the Part 850 Regulations that sets the specific dates for the applicability of those regulations.

Many provisions of the Proposed Rule are substantively identical to the corresponding provisions in the Part 850 Regulations. The Proposed Rule should be read in its entirety as many terms are related and various features are discussed in different parts. The Treasury Department will carefully consider all comments provided to the Proposed Rule and is particularly interested in receiving comments relating to the new provisions and revisions described below.

Subpart A—General

This subpart includes a general discussion of the Proposed Rule’s scope, how the Proposed Rule relates to other laws and regulations, the similarities and differences between the Proposed Rule and the Part 850 Regulations, proposed guidance on how to interpret and apply certain terms and provisions, the application of the knowledge standard in certain circumstances, and, consistent with Title VIII, the role of the heads of other relevant *Federal departments and agencies* in the implementation and administration of Title VIII and the Proposed Rule. Subpart A of the Proposed Rule would generally be identical in substance to §§ 850.101 through 850.104 in Subpart A of the Part 850 Regulations, with most differences focused on conforming the language of the regulatory text to terms used in Title VIII. Proposed § 851.101(e) would also revise the Secretary’s responsibilities to conform to Title VIII’s requirements.

The most significant change in Subpart A compared to the Part 850 Regulations is an additional element

explicitly added to the *knowledge* standard. The Treasury Department proposes to clarify in § 851.104 that it will take into consideration whether a *U.S. person* appropriately considered any information that the Treasury Department has provided to such *U.S. person* when assessing whether the *U.S. person* conducted a reasonable and diligent inquiry.

§ 851.104—Knowledge Standard

Under the Proposed Rule, certain provisions, including the definition of *covered national security transaction*, would apply only if a *U.S. person* knows of a relevant fact or circumstance. As with the Part 850 Regulations, § 851.104 of the Proposed Rule would provide explanation and guidance regarding the application of the knowledge standard. It would state that if a *U.S. person* fails to conduct a “reasonable and diligent inquiry” at the time of a transaction and undertakes the transaction where a particular fact or circumstance indicative of a *covered national security transaction* is present, the Treasury Department may find in the course of determining compliance with the Proposed Rule that the *U.S. person* had reason to know of such fact or circumstance (and therefore, for purposes of the Proposed Rule, *knew*). The articulation of the application of the knowledge standard in § 851.104 would be similar to that in the Part 850 Regulations. This is because Title VIII’s definition of *knowledge* is substantially identical to that in the Part 850 Regulations, which indicates congressional intent to maintain the Part 850 Regulations’ general approach to the knowledge standard. Further, consistency in this provision minimizes the cost and complexity of compliance for affected parties because the regulated community is already familiar with it. As such, the Proposed Rule would maintain both the definition of *knowledge* from the Part 850 Regulations (see the discussion of § 851.217 below), as well as the important explanatory language in § 851.104, with certain modifications discussed below.

The Treasury Department recognizes that for some potential *covered national security transactions*, a *U.S. person*’s ability to conduct diligence may be somewhat limited in certain situations, including in the context of certain secondary market transactions. The Treasury Department reiterates that its assessment of whether a *U.S. person* has undertaken a reasonable and diligent inquiry would under the Proposed Rule be based on a consideration of the totality of the relevant facts and

circumstances surrounding the transaction.

Based on experience operating the OISP, the Treasury Department proposes adding at § 851.104(c) of the Proposed Rule an additional factor it will consider when assessing whether a *U.S. person* has undertaken a reasonable and diligent inquiry: whether the *U.S. person* appropriately considered information provided by the Treasury Department prior to undertaking the transaction, including any assessments by the Treasury Department that the relevant *covered foreign person* may be engaged in a *notifiable technology* or a *prohibited technology*. The Treasury Department would consider the provision of such information when determining whether the *U.S. person* had *knowledge* of certain facts or circumstances. As discussed further below, the Treasury Department also proposes adding at § 851.104(e) of the Proposed Rule a clarification that the knowledge standard shall also apply to the *knowledge* of a *controlled foreign entity* for the purposes of applying §§ 851.402 and 851.403.

Subpart B—Definitions

The Proposed Rule would preserve several definitions from the Part 850 Regulations in their entirety; amend certain definitions from the Part 850 Regulations; and add several new defined terms both to implement the requirements in Title VIII and to make adjustments based on feedback received during implementation of the Part 850 Regulations. To assist in understanding this Proposed Rule, the discussion below notes proposed changes from the Part 850 Regulations and, in certain cases, highlights that the Proposed Rule would make no such substantive changes.

§ 851.202—Affiliate

The Treasury Department proposes defining the term *affiliate* to mean, in the context of a transaction or activity covered under the Proposed Rule, a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a person subject to this part. Under the Proposed Rule, if an *affiliate* of a *covered foreign person* is included on a list enumerated in § 851.226(v), then a *covered national security transaction* involving a *covered foreign person* engaged in a *notifiable technology* would be a *prohibited transaction*.

§ 851.206—Controlled Foreign Entity

Title VIII refers to the actions of a *controlled foreign entity* of a *U.S. person*

when explaining the application of the prohibition and notification requirement but does not define the term. The Treasury Department proposes using the definition of *controlled foreign entity* from the Part 850 Regulations. As noted in the preamble to the Part 850 Regulations, a *controlled foreign entity* is an entity incorporated in, or otherwise organized under the laws of, a country other than the United States of which a *U.S. person* is a *parent*. The definition is intended to draw a clear line so that it is straightforward for a *U.S. person* to ascertain whether an entity is a *controlled foreign entity*. Of note, Title VIII also uses the term “controlled foreign person” in reference to the exception for certain intracompany transfers of funds. The term “controlled foreign person” is not used in the Part 850 Regulations, and the context for its use in Title VIII is substantially similar to that of a *controlled foreign entity* in the Part 850 Regulations. Therefore, the Proposed Rule would continue only to refer to a *controlled foreign entity*.

§ 851.207—Country of Concern

Title VIII defines *country of concern* as the PRC (including the Hong Kong and Macau Special Administrative Regions), which is consistent with the Part 850 Regulations, and adds Cuba, Iran, North Korea, Russia, and the Bolivarian Republic of Venezuela under the regime of Nicolás Maduro Moros. The Proposed Rule would define *country of concern* consistent with the definition in Title VIII.

With respect to inclusion of the Bolivarian Republic of Venezuela under the regime of Nicolás Maduro Moros in Title VIII, that regime no longer exists. On March 5, 2026, the United States recognized Delcy Rodríguez as the head of state of Venezuela and her government is not the regime of Nicolás Maduro Moros.

§ 851.208—Covered Foreign Person

Title VIII defines a *covered foreign person* as, subject to regulations, a *foreign person* that (i) is incorporated in, has a *principal place of business* in, or is organized under the laws of a *country of concern*; (ii) is a member of the Central Committee of the Chinese Communist Party (CCP) or is a member of the political leadership of a *country of concern*; (iii) is directly or indirectly subject to the direction or control of a *country of concern*, as defined by regulation, an entity described in (i) or (ii), or the state or the government of a *country of concern* (including any political subdivision, agency, or instrumentality thereof); or (iv) is

owned in the aggregate, directly or indirectly, 50 percent or more by a *country of concern*, an entity described in (i) or (ii), or the state or the government of a *country of concern* (including any political subdivision, agency, or instrumentality thereof).

Many aspects of the definition of *covered foreign person* in Title VIII generally align with the definition of “person of a country of concern” in the Part 850 Regulations, and Title VIII provides no indication that it was intended to limit the application of the program in ways that would permit easy circumvention of its restrictions. The Treasury Department therefore proposes defining *covered foreign person* in the Proposed Rule in a manner consistent with the definition of “person of a country of concern” from the Part 850 Regulations. The Proposed Rule would maintain the Part 850 Regulations’ coverage of certain individual foreign persons who are citizens or permanent residents of a *country of concern*. This inclusion is necessary to prevent circumvention that would undermine the effectiveness of the Proposed Rule. For example, if an individual national of a *country of concern* (who is not a member of the CCP Central Committee or the political leadership of a *country of concern*) chose to redomicile an entity that such individual wholly owned to engage in a *prohibited technology* or *notifiable technology* outside of a *country of concern*, the proposed definition would treat such entity as a *covered foreign person*. Including such individuals also minimizes the cost and complexity of compliance for affected parties, in this case by maintaining a definition with which the regulated community is already familiar.

Title VIII includes as a category of *covered foreign person* certain *foreign persons* who are, directly or indirectly, subject to the direction or control of a *country of concern* or certain entities associated with a *country of concern*. For the purpose of the proposed definition of a *covered foreign person*, the Proposed Rule would define “subject to the direction or control” to mean that the government of a *country of concern* (including any political subdivision, political party, agency, or instrumentality thereof, or any person acting for or on behalf of the government of a *country of concern*), relevant individual, or relevant entity has the power, directly or indirectly, to direct or cause the direction of the management or policies of the subject entity (whether through the ownership of voting securities, by contract, or otherwise).

The Proposed Rule would also clarify that the 50 percent aggregate ownership requirement in Title VIII can be met through holdings of outstanding voting interest, voting power of the board, or equity interest. In addition, consistent with the need to prevent circumvention and retain features of the Proposed Rule that strengthen its effectiveness and are familiar to the regulated community, the Proposed Rule would state that this ownership interest also can be held by any individual that meets the definition of *covered foreign person*.

Additionally, the Treasury Department proposes that where a person holds a voting interest, board seat, equity interest, or the contractual power to direct or cause the direction of management or policies of a *covered foreign person*, and more than 50 percent of the revenue, net income, capital expenditure, or operating expenses of the *covered foreign person* are attributable to that person, then that person be considered a *covered foreign person*. A person would also meet this condition if that person holds an interest in more than one *covered foreign person*, and more than 50 percent of the person's revenue, net income, capital expenditure, or operating expenses are attributable to such *covered foreign persons*, in aggregate. When calculating whether more than 50 percent of the person's revenue, net income, capital expenditure, or operating expenses are attributable to a given *covered foreign person*, amounts below \$50,000 should not be included for purposes of calculating revenue attributable to a *covered foreign person*.

This provision is intended to align the Proposed Rule's definition of *covered foreign person* with the definition of *covered foreign person* at § 850.209(a)(2) of the Part 850 Regulations. This approach is consistent with Title VIII given its coverage of indirect *covered national security transactions*. This approach also addresses potential evasion or avoidance pursuant to the Secretary's authority in Title VIII, and it furthers the goal of providing clear guidance about coverage, while reducing confusion that might be caused by changes from the Part 850 Regulations.

§ 851.209—Covered National Security Transaction

Title VIII defines the term *covered national security transaction* as, subject to regulations, a *U.S. person's* direct or indirect:

- Acquisition of an equity interest or *contingent equity interest* in a *covered foreign person* that the *U.S. person*

knows at the time of the acquisition is a *covered foreign person*;

- Provision of a loan or similar debt financing agreement to a *covered foreign person* that the *U.S. person* knows at the time of the provision is a *covered foreign person* and where the provision affords or will afford the *U.S. person* lender certain financial or governance rights characteristic of an equity investment in the *covered foreign person* but not typical of a loan;

- Entrance into a joint venture, wherever located, that is formed with a *person of a country of concern* where the *U.S. person* knows at the time of entrance into the joint venture, that the joint venture will engage, or plans to engage, in a *prohibited technology* or *notifiable technology*;

- Conversion of *contingent equity interest* (or equivalent) or debt into an equity interest in a *covered foreign person*;

- Acquisition, leasing, or other development of operations, land, property, or other assets in a *country of concern* that will result in, or the *U.S. person* plans to result in, the establishment of a *covered foreign person* or the engagement of a *person of a country of concern* in a *prohibited technology* or *notifiable technology*;

- Direction of a transaction by a *foreign person* that the *U.S. person* knows at the time of the transaction would be a *covered national security transaction* if engaged in by a *U.S. person*, other than an acquisition of a limited partner interest or equivalent in a non-*U.S. person* pooled investment fund;

- Acquisition of a limited partner or equivalent interest in a pooled investment fund where the fund is not a *U.S. person* and the *U.S. person* knows at the time of the acquisition that such fund likely will invest in a *person of a country of concern* that is in an enumerated *prohibited technology* or a *notifiable technology* sector, and where such fund undertakes a transaction that would be a *covered national security transaction* if engaged in by a *U.S. person*; and

- Any other transaction identified by the Secretary, in consultation with the appropriate congressional committees and subject to public notice and comment, that is contributing to the military, intelligence, surveillance, or cyber-enabled capabilities of a *country of concern*.

The Treasury Department proposes to implement Title VIII's definition of *covered national security transaction* in a way substantively consistent with the statutory text, but with a number of important modifications to ensure

clarity and consistency with other provisions of Title VIII. Specifically, the Title VIII definition of *covered national security transaction* refers in multiple places to a "person of a country of concern." The term "person of a country of concern" is not defined in Title VIII but is used in the Part 850 Regulations. Title VIII also uses the term *covered foreign person*, which appears to be the equivalent of "person of a country of concern." As previously discussed, the Proposed Rule would include within the definition of *covered foreign person* some provisions currently included in the definition of a *person of a country of concern* in the Part 850 Regulations. Accordingly, the Proposed Rule would replace all references to a "person of a country of concern" in the definition of *covered national security transaction* with the term *covered foreign person*. Additionally, in each of the relevant provisions of the definition of *covered national security transaction*, the Treasury Department proposes to clarify that the relevant *knowledge* that the *U.S. person* must possess is not merely that the transaction involves a *covered foreign person*, but rather that it involves a *covered foreign person* that engages in a *notifiable technology* or *prohibited technology*. As reflected in the Proposed Rule, this would include specified circumstances in which that engagement is indirect because the *covered foreign person* has one of certain specified relationships with a *covered foreign person* engaged in a *notifiable technology* or *prohibited technology*. Without this clarification, the definition of *covered national security transaction* would extend to transactions without any nexus to relevant technologies.

In addition, as noted in the discussion regarding the definition of *covered foreign person*, Title VIII and the Proposed Rule do not define that term in connection with activity that meets the definition of *notifiable technology* or *prohibited technology*. A *covered national security transaction*, however, involves a *covered foreign person* engaged in a *notifiable technology* or *prohibited technology*. For the Proposed Rule to reach a *U.S. person* investment in a *covered foreign person* or relevant joint venture that meet the conditions set forth in § 851.208(a)(8) because of its relationship to one or more *covered foreign persons* that engage in a *notifiable technology* under § 851.218(a) through (g) or a *prohibited technology* under § 851.226(a) through (u), the Treasury Department would propose to define *covered national security*

transaction to include where such conditions are met.

With respect to the provision of a loan or similar debt financing, the Treasury Department proposes to incorporate into the definition of *covered national security transaction* clarifications that were included in Note 2 to § 850.210 of the Part 850 Regulations.

The Proposed Rule would make one substantive clarification to the definition of *covered national security transaction* in Title VIII by adding a *knowledge* element to the conversion of a *contingent equity interest* (or equivalent) or debt in a *covered foreign person* that engages in a *notifiable technology* or *prohibited technology* or meets the conditions of § 851.208(a)(8). This clarification would harmonize the conversion prong of the definition of a *covered national security transaction* with the other prongs of the definition and would avoid penalizing unwitting activity by a *U.S. person* that conducted a reasonable and diligent inquiry prior to the conversion of such interest and lacked reason to *know* that the *contingent equity interest* was subject to the Proposed Rule. The Proposed Rule would also clarify that the conversion prong applies only to a *contingent equity interest* (or equivalent) or debt acquired on or after the effective date that is set when the Proposed Rule is finalized.

The Treasury Department notes that Title VIII incorporates directly into the definition of *covered national security transaction* the concept of “knowingly directing” present in the Part 850 Regulations and, accordingly, extends the scope of “knowingly directing” to include *notifiable transactions*. By contrast, the Part 850 Regulations limit the application of “knowingly directing” to *prohibited transactions* as that term is defined in that part (see 31 CFR 850.303). Consistent with Title VIII, proposed § 851.209 incorporates the concept of “knowingly directing” into the definition of a *covered national security transaction*. Proposed § 851.209(a)(6) also states when the Treasury Department considers the criteria in this prong to have been met and describes the conditions under which a *U.S. person* may recuse themselves from decision-making so as not to be considered engaging in such a *covered national security transaction*. The proposed § 851.209(a)(6) closely corresponds to § 850.303 of the Part 850 Regulations.

The Treasury Department clarifies that a *covered national security transaction* involving the entrance into a joint venture under § 851.209(a)(3) would not require the establishment or

formation of a new entity. The Proposed Rule would not define the term “joint venture” and instead, the Treasury Department refers to the plain English meaning of the term, *i.e.*, as involving the contribution of capital and/or assets by two parties and the sharing of profits and losses.

The Treasury Department also clarifies that *U.S. person* investments in venture capital funds, private equity funds, “funds of funds,” or other pooled investment funds with pre-existing investments in a *covered foreign person* may constitute an indirect covered national security transaction as proposed to be defined in § 851.209(a)(1) through (a)(6), separate and apart from whether the acquisition may be a *covered national security transaction* under § 851.209(a)(7).

The Treasury Department also clarifies that an indirect *covered national security transaction* as proposed could include not only a *U.S. person’s* use of an intermediary entity or natural person to engage in a transaction that would be a *covered national security transaction* if engaged in directly by a *U.S. person*, but also a *U.S. person’s* use of a transaction structure that obfuscates or conceals the *U.S. person’s* role in a transaction that would be a *covered national security transaction* if engaged in directly by a *U.S. person*.

§ 851.210—Develop

Title VIII does not define *develop* and the Treasury Department proposes to maintain the definition of *develop* as it exists in the Part 850 Regulations with three substantive clarifications. First, the Proposed Rule would make explicit that the term extends to activities engaged in through or in collaboration with *affiliates*, consistent with Title VIII’s coverage of indirect *covered national security transactions*. Second, the Proposed Rule would also supplement the list of example stages prior to serial production provided in the Part 850 Regulations by adding the act of transforming blueprints, schema, or other plans into a product. Finally, the Proposed Rule would clarify in § 851.210(b) that the term *develop* includes the provision of high-level oversight, direction, approval, conceptual input, or strategic planning in connection with any stage prior to serial production.

§ 851.212—Excepted Transaction

Title VIII identifies certain “exceptions and clarifications” to the term *covered national security transaction* but does not use the term *excepted transaction* as that term is

used in the Part 850 Regulations. The Treasury Department proposes to retain the term *excepted transaction* in the Proposed Rule to refer to a transaction that is not a *covered national security transaction* because it meets specified conditions. See the discussion in Subpart E below for more information.

§ 851.214—Foreign Person

Title VIII introduces the term *foreign person* but leaves the definition to regulations. Accordingly, the Treasury Department proposes to define *foreign person* as any person that is not a *U.S. citizen* or alien lawfully admitted for permanent residence in the United States or an entity organized under *U.S. law*, including any foreign branch of such entity, except that for the purposes of § 851.208(a)(5) through (a)(8), the term *foreign person* means any *person*. The carveout related to § 851.208(a)(5) through (a)(8) is intended to preserve Title VIII’s introduction of the term *foreign person* while continuing to capture in the proposed definition of *covered foreign person* those persons that have significant financial or other material relationships with *covered foreign persons*. This approach is consistent with the Part 850 Regulations and is intended to prevent circumvention of the Proposed Rule and strengthen its effectiveness.

§ 851.215—Hypersonic System

Title VIII adds *hypersonic systems* as a technology sector in which the Secretary may identify *prohibited technology* or *notifiable technology*. The Treasury Department proposes adding the term *hypersonic system* as a defined term in the Proposed Rule. The term would mean a vehicle or weapon delivery system capable of sustained atmospheric flight or very low Earth orbit flight at speeds of Mach 5 or greater. The Proposed Rule would identify hypersonic glide vehicles, hypersonic cruise missiles, hypersonic air-launched or aero-ballistic missiles, maneuvering reentry vehicles, and reusable hypersonic vehicles as examples of a *hypersonic system*. Notably, the examples include both military and civilian *hypersonic systems*, which may include systems intended for spaceflight. The Treasury Department believes that this definition is consistent with industry usage and with other regulatory regimes, including export controls, specifically items with Export Control Classification Number (ECCN) 9A011 on the Commerce Control List and defense articles within Category IV of the United States Munitions List.

§ 851.216—Intracompany Transfer of Funds

Title VIII provides an exception to the definition of *covered national security transaction* for an *intracompany transfer of funds* from a *U.S. person* “parent company” to a “subsidiary” located in a *country of concern*, where each of “parent,” “subsidiary,” and “intracompany transfer of funds” is left undefined. As explained above, the Proposed Rule would define a *controlled foreign entity* to be the non-U.S. subsidiary of a *U.S. person parent*. The Treasury Department proposes to define the term *intracompany transfer of funds* to mean the provision of cash or credit by a *U.S. person parent* to (1) support operations of a *controlled foreign entity*, which operations are not in a *notifiable technology* or a *prohibited technology*; or (2) maintain operations of a *controlled foreign entity*, which operations are in a *notifiable technology* or *prohibited technology* that the *controlled foreign entity* was engaged in prior to the effective date that is set when the Proposed Rule is finalized at a later time. This definition is further discussed below in Subpart E.

§ 851.217—Knowledge

Title VIII defines the terms *knowledge* and variants such as *know* as they are currently defined in the Part 850 Regulations. The Treasury Department proposes to maintain such definition in the Proposed Rule.

§ 851.218—Notifiable Technology

Title VIII introduces the term *notifiable technology* and, subject to regulations, defines it as a technology within the areas of (1) semiconductor technology and microelectronics; (2) artificial intelligence systems; (3) quantum information technologies; (4) high-performance computing and supercomputing; or (5) hypersonic systems, in each case where not already specified in regulations for *prohibited technology*. This statutory definition makes clear that the Secretary, in consultation with appropriate congressional committees and subject to notice and comment, may prescribe regulations defining the technical parameters of *notifiable technologies* as reasonably needed for national security purposes and may add and define categories to the list of technology sectors that enable the military, intelligence, surveillance, or cyber-enabled capabilities of a *country of concern*.

The Proposed Rule would define certain *notifiable technology* sectors with reference to specific activities and

technical parameters consistent with the activities and technical parameters in the Part 850 Regulations, with specific changes and additions that reflect both Title VIII’s requirement to consider *notifiable technology* in the areas of high-performance computing and supercomputing and *hypersonic systems*, as well as recent advances and developments in the semiconductor technology and microelectronics sector, which is currently covered by the Part 850 Regulations.

With respect to changes to the three technology sectors covered by the Part 850 Regulations, the most notable involves what was defined as AI systems in the Part 850 Regulations and is referred to as “super intelligence systems” (SI systems) in the Proposed Rule. As discussed in more detail below, the Treasury Department, in consultation with interagency partners and the Executive Office of the President, has determined that the rapid advances in super intelligence capabilities of *countries of concern* warrant a broad prohibition on *U.S. person* investment in that sector. Accordingly, the Proposed Rule lists the development of *SI systems* within the definition of *prohibited technology*, and not within *notifiable technology*. The Treasury Department particularly welcomes comment on this approach, as discussed in further detail below.

Semiconductor Technology and Microelectronics

As with the Part 850 Regulations, the Treasury Department proposes including within the definition of *notifiable technology* the design, fabrication, or packaging of any integrated circuit that is not included within the definition of *prohibited technology* (i.e., that does not meet the performance parameters and criteria identified in § 851.226(c), (d), (e), and (f), as applicable, although these criteria differ in certain respects from those in the Part 850 Regulations). Additionally, the Treasury Department proposes to include as *notifiable technology* the development or production of certain equipment not described in § 851.226(b) that is designed or intended for use in the design, fabrication, or packaging of any integrated circuit. The Proposed Rule would separately define the terms *fabricate* and *package*, adding further technical detail as to both *notifiable technology* and *prohibited technology*. The Treasury Department assesses that the scope of this notification requirement would aid the U.S. Government’s visibility into the volume and nature of investments of *U.S.*

person transactions involving these technologies and products.

SI Systems

In contrast to the Part 850 Regulations, the Proposed Rule would not include development of any *SI system* within the definition of *notifiable technology*. Instead, the Treasury Department would include development of any *SI system* within the definition of *prohibited technology*, as discussed below.

Quantum Information Technologies

Similar to the Part 850 Regulations, the Proposed Rule would not include any quantum information technologies within the definition of a *notifiable technology*. The Treasury Department would include quantum information technologies within the definition of *prohibited technology* as set forth below.

While Title VIII includes both artificial intelligence systems and quantum information technologies in the definition of a *notifiable technology*, Title VIII explicitly states that such technologies are to be included in the regulatory definition of a *notifiable technology* to the extent “not already captured by the technical thresholds specified” in the regulatory definition of a *prohibited technology*. Title VIII also explicitly directs the Secretary, in consultation with the appropriate congressional committees and subject to notice and comment, to define the parameters of those technologies as reasonably needed for national security purposes. For the reasons discussed below, the Treasury Department has not proposed any technical parameters within which the U.S. Government can permit a *covered national security transaction* into the *SI systems* or quantum information technologies sectors consistent with U.S. national security.

High-Performance Computing and Supercomputing

The Proposed Rule would include as a *notifiable technology* the development or production of high-bandwidth, low-latency interconnects for high-performance computing, including interconnects for system-on-chip, system-in-package, scale-up networks, and scale-out networks that are not otherwise proposed to be prohibited under the Proposed Rule. These interconnect technologies and approaches to integration contribute to the capability of super intelligence clusters, high-performance computing environments, and modern data centers through high-speed data transfer

between and effective scaling of compute components.

Hypersonic Systems

As noted above, the Treasury Department proposes to define *hypersonic system* at § 851.215 as a vehicle or weapon delivery system capable of sustained atmospheric or very low Earth orbit flight at speeds of Mach 5 or greater, including hypersonic glide vehicles, hypersonic cruise missiles, hypersonic air-launched or aero-ballistic missiles, maneuvering reentry vehicles, and reusable hypersonic vehicles. The Treasury Department would include in the definition of *notifiable technology* the development or production of certain technologies capable of use in or for a *hypersonic system* or its components, including sensor, guidance, navigation, or control equipment or systems; software for research, modeling and simulation, analysis, or testing not included in the definition of *prohibited technology*; and metals, alloys, composites, ceramics, coatings, or other materials not included in the definition of *prohibited technology*.

§ 851.219—Notifiable Transaction

Title VIII does not define the term *notifiable transaction*. The Treasury Department proposes using this term to describe the relevant language of Title VIII and to promote consistency with the Part 850 Regulations, in which this term is used, to minimize the cost and complexity of compliance for affected parties. Accordingly, the Treasury Department proposes to define *notifiable transaction* as a *covered national security transaction* (that is not a *prohibited transaction*) in which the relevant *covered foreign person* or relevant joint venture (1) engages in a *notifiable technology* or (2) meets the conditions set forth in § 851.208(a)(8) because of its relationship to one or more *covered foreign persons* that engage in a *notifiable technology*.

§ 851.221—Parent

The Proposed Rule would define *parent*, with respect to an entity, as (1) a person that directly or indirectly holds more than 50 percent of the outstanding voting interest in an entity or the voting power of the board of the entity; (2) the general partner, managing member, or equivalent of the entity; or (3) the investment adviser to any entity that is a pooled investment fund, with “investment adviser” as defined in the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)).

The Treasury Department is considering whether to expand the

definition of *parent* to incorporate certain sub-advisers to a non-U.S. person fund as well as the general manager (or equivalent) to a non-U.S. person entity. The Treasury Department welcomes comments on this definition.

§ 851.222—Party

Title VIII introduces the term *party* with respect to a *covered national security transaction* and states that it should have the meaning provided in regulations. The Treasury Department proposes defining *party* to mean any *U.S. person*, any *covered foreign person*, and any *foreign person* relevant to the *covered national security transaction*, including in the context of joint ventures or *controlled foreign entities*. The term would be used in proposed § 851.902 concerning submission of information in connection with a request for non-binding feedback. The Proposed Rule would require identification of “each party to the transaction,” to include relevant intermediaries, financing sources, and *controlled foreign entities*. *Party* would also be used in § 851.104(c) concerning a *U.S. person’s* reasonable and diligent inquiry.

§ 851.223—Person

Title VIII defines *person* as “an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.” The Treasury Department proposes modifying the definition to include any entity—where *entity* is separately defined in the Proposed Rule—rather than listing specific types or organizations. The Proposed Rule otherwise would implement Title VIII’s definition without substantive changes.

§ 851.224—Principal Place of Business

The term *principal place of business* is used in Title VIII’s definition of *covered foreign person* but is not defined, leaving it to the Treasury Department to do so in regulations. The Treasury Department proposes defining *principal place of business* in a way that is similar to the corresponding definition in the Part 850 Regulations, but also specifically includes the location of an entity’s headquarters and, separately, the location where an entity conducts its main business activities. For example, if a company is incorporated and has its official headquarters in the United States, but its chief executive officer resides and primarily manages the business in a *country of concern*, then the company’s *principal place of business* would be in

both the United States and the *country of concern*.

§ 851.226—Prohibited Technology

Title VIII introduces the term *prohibited technology*, which is defined, subject to regulations, as a technology within one of the five technology areas enumerated in Title VIII: advanced semiconductor technology and microelectronics; artificial intelligence systems; quantum information technologies; high-performance computing and supercomputing; and hypersonic systems. As with *notifiable technology* discussed above, Title VIII provides the Secretary with the authority, in consultation with the appropriate congressional committees, to prescribe regulations that define the technical parameters of such technology as reasonably needed for national security purposes. The Secretary may also add and define technology categories beyond those listed in Title VIII that enable the military, intelligence, surveillance, or cyber-enabled capabilities of a *country of concern*. As discussed further below, the Secretary, in consultation with interagency partners and the Executive Office of the President, has determined that the biotechnology sector in *countries of concern* enables the military, intelligence, surveillance, or cyber-enabled capabilities of those countries and, therefore, pursuant to his authority under Title VIII to prescribe regulations, has added that sector to the proposed definition of *prohibited technology*.

Advanced Semiconductor Technology and Microelectronics

Consistent with the Part 850 Regulations, the Treasury Department proposes including within the definition of *prohibited technology* the development or production of any electronic design automation software for the design of integrated circuits or *advanced packaging* and the development or production of any of the following: certain front-end semiconductor fabrication equipment designed for performing the volume fabrication of integrated circuits (to include extreme ultraviolet and deep ultraviolet lithography equipment), equipment for performing volume *advanced packaging*, or other items designed or intended for use in or with deep ultraviolet or extreme ultraviolet lithography fabrication equipment.

Further consistent with the Part 850 Regulations, the Proposed Rule would also include within the definition of *prohibited technology* the design of any integrated circuit that meets or exceeds

certain advanced technical thresholds identified by the Department of Commerce's Bureau of Industry and Security (BIS), the fabrication of certain other advanced integrated circuits that meet certain specified parameters, and the development or production of integrated circuits manufactured from certain specified semiconductors, certain radiation hardened integrated circuits designed to withstand specified high-radiation environments, and photonic integrated circuits. Additionally, the term would include the packaging of any integrated circuit using *advanced packaging* techniques.

The Proposed Rule also would include within the definition of *prohibited technology* the development or production of high-bandwidth memory with a memory bandwidth density greater than 2 gigabytes per second per square millimeter. This modification as compared to the Part 850 Regulations would bring the scope of *prohibited technology* in this sector into alignment with current export control restrictions, specifically ECCN 3A090 on the Commerce Control List.

Also consistent with the Part 850 Regulations, the Proposed Rule would separately define the terms *advanced packaging*, *develop*, and *produce*, adding further technical detail to the relevant prohibition provisions.

SI Systems

Since publication of the Part 850 Regulations nearly two years ago, technology has undergone rapid transformation, with breakthrough advances in the capabilities and development of *SI systems*. A range of *SI systems* developed by *covered foreign persons* present significant national security risks—from the ability to autonomously conduct cyberattacks to the potential use by malign actors and foreign adversaries to develop weapons of mass destruction. *SI systems* can also provide *countries of concern* with the potential to substantially enhance military modernization efforts, surveillance, and real-time targeting and decision-making capabilities. A range of *SI systems* may pose novel national security risks in areas such as cyberattacks and the development of chemical, biological, radiological, nuclear, or explosive weapons, as well as expose novel security vulnerabilities. The Treasury Department has observed advances in the capabilities and development of *SI systems* directly through its market monitoring activity, receipt of notifications as part of the OISP, and other sources.

The Part 850 Regulations distinguished among “AI systems” for

purposes of the prohibition, the notification requirement, or absence from OISP coverage based on the quantity of computing power for training, designed end uses, and intended end uses. Over the past two years, *SI models* have achieved notable performance gains through additional means other than the quantity of training compute. Therefore, no single measure, benchmark, or threshold is currently sufficient to distinguish advanced models. Although the quantity of training compute may continue to indicate a degree of *SI model* capability, developers increasingly rely on additional methods to improve model capability, including other research and development activities such as synthetic data generation, improved algorithmic or architectural efficiencies, and novel post-training techniques or increasing inference-time compute.

Similarly, the proliferation and adoption of *SI capabilities* have made *SI system* end uses more challenging to isolate. General-purpose *SI models* that were not necessarily designed to be used for relevant national security applications nevertheless may exhibit that functionality, and investors may lack insight into the capabilities of such models if model developers have not evaluated or advertised these capabilities. Additionally, the availability of capable open-source *SI models* that have fewer safeguards and oversight may lead to their utilization and incorporation into *SI systems* in contexts outside their intended scope.

Accordingly, the Secretary, in consultation with interagency partners and the Executive Office of the President, has determined that it is necessary for national security purposes to define *prohibited technology* to include the development of any *SI system*. The Treasury Department notes that this approach is consistent with the COINS Act's direction to balance the priority of protecting the national security interest of the United States, while, to the extent practicable, minimizing the cost and complexity of compliance for affected parties and adopting the least burdensome alternative that achieves regulatory objectives. Specifically, this approach seeks to protect U.S. national security and streamline compliance through clear proposed regulatory text that does not rely on a *U.S. person* ascertaining the technical capabilities or thresholds of *SI systems* being developed by a *covered foreign person* (which was the case in the Part 850 Regulations).

Importantly, the Treasury Department proposes to include clarifying language

regarding when the use or incorporation of certain third-party *SI systems* would or would not constitute the development of an *SI system*. This language generally corresponds to Notes 2 and 3 to § 850.224 in the Part 850 Regulations.

The Treasury Department particularly welcomes feedback regarding the potential implications arising from defining *prohibited technology* to include the development of any *SI system*, as well as feedback relating to the definition of an *SI system*. Where possible, feedback should discuss impacts, possible alternative approaches aimed at the same policy intent described above, and where relevant, should include suggestions for how the Proposed Rule could be scoped to address the national security concerns described above accounting for the potential impact on U.S. businesses and consumers. To the extent that a *U.S. person* believes engaging in a *covered national security transaction* is in the national interest of the United States, the Treasury Department notes that the Proposed Rule provides a process by which the *U.S. person* may request an exemption from the Proposed Rule's coverage, provided that the Secretary, in coordination with other relevant Federal departments and agencies, determines the transaction to be in the U.S. national interest. See Subpart E for a further discussion on exceptions and exemptions.

Quantum Information Technologies

The Treasury Department proposes to include within the definition of *prohibited technology* the development of a *quantum computer* or production of any of the critical components required to *produce* or operate a *quantum computer* (such as a dilution refrigerator or two-stage pulse tube cryocooler), or the development of software for the purpose of designing, simulating, testing, or controlling a *quantum computer*, or for identifying, implementing, costing, or optimizing algorithms and applications for a *quantum computer*.

The Proposed Rule would also include in the definition of *prohibited technology* the development of algorithms and applications for quantum information science technologies. The Proposed Rule would include an end-use limitation to appropriately scope this provision to refer to activities that could give rise to an acute national security threat, recognizing that similar technologies could have important civilian purposes.

The definition of *prohibited technology* would include the

development or production of any quantum sensing platform designed for, or that the relevant *covered foreign person* intends to be used for, any military, government intelligence, or mass-surveillance end uses.

The development or production of certain quantum networks and quantum communication systems would also be *prohibited technology*. Specifically, *prohibited technology* would include such networks and systems designed for, or that the relevant *covered foreign person* intends to be used for: (1) networking to scale up the capabilities of *quantum computers*; (2) secure communications, such as quantum key distribution; or (3) any other application that has any military, government intelligence, or mass-surveillance end use.

The Proposed Rule would separately define the term *quantum computer*, adding further technical detail to the prohibition provision.

High-Performance Computing and Supercomputing

The Treasury Department proposes maintaining the prohibition in the Part 850 Regulations on *U.S. person* investment with respect to the high-performance computing and supercomputing technology area. Consistent with the Part 850 Regulations, the definition of *prohibited technology* would include developing, installing, selling, or producing any supercomputer enabled by advanced integrated circuits that can provide a theoretical compute capacity of 100 or more double-precision (64-bit) petaflops or 200 or more single-precision (32-bit) petaflops of processing power within a 41,600 cubic foot or smaller envelope, or components designed for enabling any of such capabilities of a supercomputer. Certain technologies included within the advanced semiconductor technology and microelectronics category also are relevant to the high-performance computing and supercomputing technology area, including the fabrication of any specified DRAM integrated circuit, the development and production of any photonic integrated circuit (including the development of optical components, co-packaged optics, or silicon-photonics integration), and the development and production of certain high-bandwidth memory.

Hypersonic Systems

The Treasury Department proposes to define *prohibited technology* to include the development or production of a *hypersonic system*, as that term is defined in the Proposed Rule (and

discussed above), a propulsion system capable of enabling hypersonic flight, or fuels or propellants for hypersonic propulsion systems. Propulsion systems capable of enabling hypersonic flight would include rocket-based propulsion, hypersonic airbreathing propulsion such as ramjets and scramjets, and combined cycle propulsion.

The term *prohibited technology* would also include the development or production of certain materials designed for, or that a *covered foreign person* intends to be used for, a *hypersonic system*, including refractory metals or alloys, refractory or ultra-high temperature ceramics, certain carbon composites, and stealth coatings, as well as the development or operation of specialized infrastructure or a facility capable of testing a *hypersonic system*.

The Proposed Rule would define *prohibited technology* to also include the development of digital twin technology for modeling and simulation of, monitoring, or optimizing a *hypersonic system* and the development of digital thread technology that collects, manages, or represents the data flows related to a *hypersonic system*.

Biotechnology

Certain advanced or sensitive biotechnologies in *countries of concern*—including those that are subject to export controls, biomanufacturing or bioengineering of certain compounds and materials, and the technology and equipment capable of being used to engage in such manufacturing or engineering—pose an acute risk to U.S. national security. Such risks include the proliferation of biological weapons, the development of brain-computer interfaces, harm to U.S. supply chain security, and the indigenization by *countries of concern* of advanced technologies with military, government intelligence, and mass surveillance end uses. *U.S. person* investments in *covered foreign persons* engaged in such activities are at risk of exploitation. Accordingly, pursuant to the authority granted to the Secretary by Title VIII, the definition of *prohibited technology* would include specific activities and technical parameters associated with the biotechnology sector, as discussed further below.

Specifically, the Treasury Department proposes to define *prohibited technology* to include the development, engineering, or use of a biological system—or component of a biological system—to modify, enhance, produce, or control: (1) certain export-controlled agents or toxins, as well as novel agents and toxins capable of similar effects as those currently export-controlled; (2)

energetic precursors or energetic materials; (3) novel or high-performance functional materials (*i.e.*, bio-derived products that exhibit novel or enhanced properties, such as adaptive or protective coatings, materials for agile infrastructure, materials capable of self-repair or self-assembly, and biosensors); (4) pharmaceutical compounds (*e.g.*, small molecules, polymers, vaccines, blood and blood components, allergenics, cell and gene therapies, and monoclonal antibodies or other recombinant therapeutic proteins), as well as their delivery systems; and (5) biofuels (*i.e.*, fuels made or derived from bio-based feedstock). The Proposed Rule also would define *prohibited technology* to include the development or production of brain computer interfaces and the development, construction, or production of biomanufacturing equipment, including components and associated software or technology, as identified in ECCNs 2B352, 2D352, and 2E001 on the Commerce Control List. The Treasury Department also proposes to include in the definition of *prohibited technology* the development or production of certain other related technology or equipment (including components and associated software), to include: biological sequencing technology, including short-read or long-read sequencing; certain flow cytometers and cell sorters; certain liquid chromatography mass spectrometry instruments; certain computational or bioinformatics tools; and hardware, robotics, or software for automated scientific discovery or experimentation, including laboratory automation or cloud lab infrastructure.

It is necessary to place restrictions in this sector in the interest of protecting U.S. national security; at the same time, the Treasury Department recognizes that restrictions may potentially have countervailing effects on national security to the extent restrictions lead to significant public health risks or harm U.S. businesses in this sector.

Accordingly, the Treasury Department is particularly interested in comment on this approach. Where possible, feedback should discuss impacts, possible alternative approaches aimed at the same policy intent described above, and any suggestions for how the Proposed Rule could be scoped to address the national security concerns described above. In particular, the Treasury Department requests comments on the following questions:

- Whether or how the Treasury Department should more precisely describe the biological systems covered in proposed § 851.226(r);

- Whether the Treasury Department should adjust proposed § 851.226(r) to focus on where the development, engineering, or use of a biological system is undertaken using equipment identified in proposed § 851.226(t) or (u);

- Whether or how the Treasury Department should more precisely describe the biofuels covered in proposed § 851.226(r), such that the Proposed Rule does not include fuels that do not pose acute national security risks (such as ethanol);

- Whether or how a “novel or high-performance functional material” identified in proposed § 851.226(r)(3) could be more precisely described and whether definitions used in other regulatory programs, including export controls, could be leveraged to achieve additional clarity;

- Whether and how “pharmaceutical compounds” described in proposed § 851.226(r)(4) should be more precisely scoped to focus on advanced or frontier technologies; and

- Whether the technical parameters of the equipment listed in proposed § 851.226(u) should be more precisely scoped to focus on advanced or frontier technologies.

To the extent that a *U.S. person* believes engaging in a *covered national security transaction* is in the national interest of the United States, the Treasury Department notes that the Proposed Rule provides a process by which the *U.S. person* may request an exemption from the Proposed Rule’s coverage, which could be granted if the Secretary, in coordination with other federal departments and agencies, determines the transaction to be in the U.S. national interest. See Subpart E for a further discussion on exceptions and exemptions.

Cross-Reference to U.S. Government Lists

The Treasury Department would also include within the definition of *prohibited technology* any *notifiable technology* engaged in by a *covered foreign person* or relevant joint venture where such covered foreign person or joint venture is, or any of its *affiliates* or subsidiaries are, included on one of several U.S. Government lists, such as the Entity List maintained by BIS. Defining *prohibited technology* to include *notifiable technology* engaged in by such persons is reasonably needed for national security purposes because the U.S. Government’s inclusion of such persons on any of these lists reflects a determination that the person poses a threat to the foreign policy or national security interests of the United States. In

addition, defining *prohibited technology* in this manner promotes consistency with the Part 850 Regulations and provides bright lines for certain *U.S. person* investments, which would minimize the cost and complexity of compliance for affected parties while addressing national security risks.

Section 851.226(v) would cross-reference two additional U.S. Government lists beyond those in the Part 850 Regulations: the Department of War’s list of Chinese military companies under section 1260H of the National Defense Authorization Act for Fiscal Year 2021 and the Office of Management and Budget’s list of biotechnology companies of concern under the BIOSECURE Act, section 851 of the FY26 NDAA. Such lists are particularly relevant for the OISP, given their focus on entities with connections to the PRC military.

The Treasury Department also proposes that relevant listed entities in § 851.226(v) include the *affiliates* and subsidiaries of a *covered foreign person* or relevant joint venture that engages in a *notifiable technology*. Prohibiting a *U.S. person* from engaging in a *covered national security transaction* with a *covered foreign person* engaged in a *notifiable technology* whose *affiliate* or *subsidiary* is included on one of the U.S. Government lists would strengthen the Proposed Rule by deterring listed persons from establishing subsidiaries to engage in a *notifiable technology* and participate in a *covered national security transaction* that the listed person could not.

§ 851.227—Prohibited Transaction

Title VIII does not use the term *prohibited transaction*, which was used in the Part 850 Regulations. The Treasury Department proposes maintaining this term and concept to provide a single term to describe the operative language of section 801 of Title VIII and to promote consistency with the Part 850 Regulations to minimize the cost and complexity of compliance for affected parties. Accordingly, the Treasury Department proposes to define *prohibited transaction* as a *covered national security transaction* in which the relevant *covered foreign person* or relevant joint venture:

- Engages in a *prohibited technology*; or

- Meets the investment and financial thresholds under proposed § 851.208(a)(8) because of its relationship to one or more *covered foreign persons* that engage in a *prohibited technology*.

§ 851.229—Relevant Federal Departments and Agencies

The Treasury Department proposes defining the *relevant Federal departments and agencies* as those departments or agencies specifically mentioned in Title VIII; *i.e.*, the Departments of State, War, Commerce, and Energy, and the Office of the Director of National Intelligence—as well as the Office of the U.S. Trade Representative and the Office of Science and Technology Policy, and any other department, agency, or office the Secretary determines to be appropriate.

§ 851.232—Super Intelligence (SI) System

Title VIII includes “AI systems” as a technology area in which the Secretary may identify specific *notifiable technology* or *prohibited technology*. Title VIII does not further define an “AI system.” The Treasury Department proposes to define *super intelligence (SI) system*¹ in a manner that is generally consistent with the existing definition of an “AI system” found in the Part 850 Regulations, but with some modifications. The narrative description of the Proposed Rule below refers to “artificial intelligence system” or “AI system” when discussing the applicable requirements in the Part 850 Regulations or Title VIII and refers to *SI system* and the abbreviation “SI” when discussing the Proposed Rule.

Under § 851.232(a) of the Proposed Rule, an *SI system* would be a machine-based system with certain specified functions and characteristics that are consistent with those in the Part 850 Regulations and also would specifically include machine-based systems that can generate content (with the phrase “generate content” seeking to capture generative SI that can create content such as text, audio, images, multimedia, or code). Section 851.232(b) of the Proposed Rule would include within the definition of *SI system* any data system, software, hardware, application, tool, or utility that operates in whole or in part using such a machine-based system, including a harness for agentic capability or an embodied *SI system*. Under § 851.232(b), an *SI system* would include, for example, robotic or other autonomous or unmanned systems that operate using an *SI system*. The Treasury Department welcomes

¹ On September 29, 2026, Executive Order 14434 (91 FR 63129), “Inaugurating the Era of Super Intelligence,” was issued. Section 2 of Executive Order 14434 requires executive departments and agencies to use “Super Intelligence” and “SI” in place of “Artificial Intelligence” and “AI” in certain documents.

comment on the proposed definition of *SI system*.

Subpart C—Prohibited Transactions and Other Prohibited Activities

Title VIII authorizes the Secretary to prohibit a *U.S. person*, including its *controlled foreign entities*, from knowingly engaging in a *covered national security transaction* in any *prohibited technology*. To promote consistency with the Part 850 Regulations and to minimize the cost and complexity of compliance for affected parties, this subpart of the Proposed Rule closely aligns with the text of the Part 850 Regulations and describes activities that would be prohibited. Such activities would include a *U.S. person* engaging in a *prohibited transaction* unless an exemption has been granted. A *U.S. person* would also be required to take all reasonable steps to prohibit and prevent any transaction by its *controlled foreign entity* that would be a *prohibited transaction* if engaged in by a *U.S. person*.

Subpart D—Notifiable Transactions and Other Notifiable Activities

This subpart of the Proposed Rule would require a *U.S. person* to notify the Treasury Department in any of the following circumstances: (1) if the *U.S. person* knowingly undertakes a *notifiable transaction*; (2) if a *controlled foreign entity* of the *U.S. person* knowingly undertakes a transaction that would be notifiable if undertaken by a *U.S. person*; and (3) if the *U.S. person* learns following the completion date that a transaction that it undertook would have been a *covered national security transaction* if the *U.S. person* had known of certain facts or circumstances at the time of the transaction. In each case, the *U.S. person* would be required to meet certain deadlines and follow specified procedures that include requirements to submit detailed information to the Treasury Department, certify the completeness and accuracy of the information submitted, and maintain records. A *U.S. person* would also be required to promptly notify the Treasury Department of any material omission or inaccuracy that the *U.S. person* learns about following any information submission.

The Treasury Department notes that § 851.402 would clarify that a *U.S. person* must submit a notification when its *controlled foreign entity* undertakes a transaction that the *controlled foreign entity* or the *U.S. person* knew at the time of the transaction would be a *notifiable transaction* if engaged in by a

U.S. person. Section 851.403 would clarify that a *U.S. person's* notification obligations in connection with post-transaction knowledge apply both to transactions undertaken by a *U.S. person* and to transactions undertaken by a *controlled foreign entity* of a *U.S. person*. As discussed above, to reflect the proposed changes to §§ 851.402 and 851.403, the Treasury Department proposes to clarify in § 851.104 that the knowledge standard would also apply to the *knowledge* of a *controlled foreign entity* for the purposes of applying §§ 851.402 and 851.403.

Section 851.405 would expand the information from the Part 850 Regulations that is required as part of a notification. The items that would be added are those that typically have been part of follow-on requests for information by the Treasury Department. Including these items in the regulatory text is intended to streamline any follow-on requests once a notification has been submitted.

Subpart E—Exceptions and Exemptions

Title VIII gives the Secretary authority to exempt from prohibition any activity determined by the President, in consultation with or delegated to the Secretary, and in coordination with the Secretary of Commerce, Secretary of State, and, as appropriate, the heads of other *relevant Federal departments and agencies*, to be in the national interest of the United States. Additionally, Title VIII establishes an exemption from prohibition for any authorized intelligence activities of the United States.

This subpart of the Proposed Rule identifies the activities or transactions that are not included within the definition of *covered national security transaction*, as discussed below.

§ 851.501—Excepted Transaction

Title VIII identifies, subject to regulations, those transactions or activities that are not included within the definition of *covered national security transaction*. Under the Proposed Rule, as in the Part 850 Regulations, such transactions would be referred to as *excepted transactions*.

As discussed in more detail below, an *excepted transaction* in the Proposed Rule would include the following (subject to limitations in some instances, as explained below):

- An investment by a *U.S. person* in a security that trades on a securities exchange or the over-the-counter market in any jurisdiction;
- An investment by a *U.S. person* in a security issued by an investment

company, such as an index fund, mutual fund, or exchange traded fund;

- An investment by a *U.S. person* limited partner or equivalent in a pooled investment fund as described in § 851.209(a)(7) where (1) the *U.S. person's* committed capital does not exceed \$2 million, or (2) the investment is subject to a specific binding contractual assurance regarding a *notifiable transaction* (for purposes of an exception from the notification requirement) or a *prohibited transaction* (for purposes of an exception from the prohibition);

- An investment in a derivative of any security described above;
- A *U.S. person's* full buyout of all equity or interests of all *covered foreign persons* in an entity or assets located outside a *country of concern*;
- An *intracompany transfer of funds* from a *U.S. person* to its *controlled foreign entity*;

- A transaction made after the effective date of the final regulations implementing the COINS Act pursuant to a binding, uncalled capital commitment entered into before that date;

- Acquisition of a voting interest in a *covered foreign person* by a *U.S. person* lender upon default or other condition of a loan made by a lending syndicate;

- The receipt of employment compensation by an individual in the form of an award of equity or the grant of an option to purchase equity in a *covered foreign person*, or the exercise of such option;

- Transactions by a *U.S. person* that, in the aggregate across the preceding 12 months, do not exceed \$50,000 in value (for an exception from the notification requirement only);

- A transaction secondary to a *covered national security transaction*, including certain contractual arrangements or the procurement of material inputs for any *covered national security transaction*; bank lending; processing, clearing, or sending of payments by a bank; underwriting services; debt rating services; prime brokerage; global custody; equity research and analysis; or other similar services;

- Any ordinary or administrative business transaction;

- Any ancillary transaction involving *covered foreign persons* undertaken by a financial institution, such as the processing of cash transactions, underwriting and credit rating services, or other services ordinarily incidental to the provision of financial services;

- Certain transactions that occur in a country or territory outside the United States that has been designated by the

Secretary in accordance with provisions set forth in § 851.501(k) of the Proposed Rule; and

- Any transactions completed before the enactment of Title VIII on December 18, 2025, unless subject to the Part 850 Regulations, in which case those rules apply.

Certain *excepted transactions* listed above were included in the Part 850 Regulations but not specifically included in Title VIII: (1) fulfilment of a binding, uncalled capital commitment made prior to the effective date of the final regulations; (2) acquisition of a voting interest in a *covered foreign person* upon default or other condition of a loan made by a lending syndicate; (3) receipt and exercise of employment compensation in the form of equity or options to purchase equity in a *covered foreign person*; and (4) a transaction with or involving a country or territory outside the United States designated by the Secretary in accordance with criteria that relate to the country or territory's own measures to address risks related to outbound investment. To further Congress's direction to balance protecting national security with minimizing the cost and complexity of compliance for affected parties, and to minimize impacts on the smooth functioning of U.S. capital markets while still achieving the national security objectives of the COINS Act, the Secretary has determined, pursuant to the authority provided in Title VIII, that maintaining these *excepted transactions*, with which the regulated public is already familiar, is in the national interest of the United States, and therefore includes these exceptions in the Proposed Rule. Further explanation regarding the Secretary's determination is provided below.

Fulfilment of a binding, uncalled capital commitment. Including this exception in § 851.501 is in the national interest because it is intended to avoid disruption to a *U.S. person* that entered into a binding commitment prior to the effective date of the final regulations. Such a transaction, however, may be a "covered transaction" pursuant to the Part 850 Regulations.

Acquisition of voting interest upon default of a syndicated loan. Including this exception is in the national interest because it would avoid potential disruption to private credit markets in a narrow set of circumstances where a *U.S. person* lender has passively received an interest in a *covered foreign person* and, even after receiving such interest, lacks a role in the lending syndicate that could create the opportunity for a *U.S. person* lender's intangible benefits to transfer to the

covered foreign person debtor. The Treasury Department welcomes comments regarding whether this exception is redundant given Title VIII's language regarding the exception for secondary transactions, which includes bank lending.

Receipt of employment compensation in the form of stock or stock options and the exercise of such options. Including an exception for receipt of employment compensation in the form of equity or the option to acquire equity (and the exercise of such an option) in a *covered foreign person* is in the national interest because it avoids interference with certain individual U.S. workers' employment prospects and potentially personal finances. Moreover, *U.S. person* employees are generally not providing capital to a *covered foreign person* employer.

Transactions in certain designated countries or territories. Title VIII directs the Secretary, in coordination with the Secretary of State, Secretary of Commerce, and the heads of other relevant Federal departments and agencies, to engage on both a bilateral and multilateral basis with allies and partners to encourage the development of mechanisms similar to the OISP to prevent the development of *prohibited technologies* by a *country of concern*. Including an exception for certain transactions occurring in countries and territories that develop such similar mechanisms is in the national interest because it incentivizes allies and partners to take such steps, which helps protect U.S. national security and foreign policy interests.

Details regarding the other exceptions pursuant to Title VIII are provided below.

Publicly traded securities. Title VIII includes as an *excepted transaction* investment in a security, as defined in section 3(a)(10) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(10), that trades on a securities exchange or the "over-the-counter" market in any jurisdiction. The Proposed Rule incorporates the exception with minor, non-substantive clarifications. The Treasury Department considers this exception to be substantively equivalent to the corresponding exception in the Part 850 Regulations. As a result, the Treasury Department considers that existing guidance available on the OISP website related to the publicly traded securities exception would likely be re-issued in a manner that applies similarly to this exception under Title VIII.

Securities issued by an investment company. Title VIII also includes an exception for investment in a security

issued by an investment company, as defined in the Investment Company Act of 1940, that is registered with the Securities and Exchange Commission. Consistent with Title VIII and with the Part 850 Regulations, the Proposed Rule also includes such an exception, along with illustrative language from the corresponding exception in the Part 850 Regulations, *i.e.*, "such as an index fund, mutual fund, or exchange traded fund."

The Part 850 Regulations also provide for an exception to the definition of a *covered national security transaction* for investment by a *U.S. person* in any company that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940, as amended, at 15 U.S.C. 80a–53. Title VIII does not provide for a corresponding exception to the definition of *covered national security transaction*, and the Proposed Rule likewise does not include it. The Treasury Department welcomes comment on whether extending the exception in § 851.501(a)(1)(ii) of the Proposed Rule to an investment in a business development company is in the national interest. Title VIII additionally provides the Secretary discretion to except investment in a "security issued by a non-United States investment company that is registered with a foreign regulator with comparable oversight standards and regulatory jurisdiction to the Securities and Exchange Commission as determined by the Secretary." The Treasury Department does not include this exception in the Proposed Rule but invites comment regarding which foreign regulators may qualify under Title VIII's standard and the potential scope of such an exception.

Limited partner investments. Title VIII also contains an exception from the coverage of limited partner investments when made as a limited partner or equivalent in a venture capital fund, private equity fund, "fund of funds," or pooled investment fund, including where (1) the limited partner or equivalent's committed capital is not more than a *de minimis* amount, as determined by the Secretary; and (2) where the limited partner or equivalent obtains a binding contractual assurance that its capital in the fund will not be used to engage in a transaction that would be a *covered national security transaction* if engaged in by a *U.S. person*. With respect to the first prong, to promote consistency with the Part 850 Regulations to minimize the cost and complexity of compliance for affected parties, and in light of the

notifications received to date as part of the OISP, the Secretary has determined to set this *de minimis* value at \$2,000,000 in the Proposed Rule. With respect to the second prong, the Proposed Rule refers to a *prohibited transaction* or *notifiable transaction*, as applicable, as the corresponding exception in the Part 850 Regulations currently does, rather than a *covered national security transaction*. For clarification, the phrase “as applicable” means that receipt of a binding contractual assurance regarding *notifiable transactions* would except the *U.S. person* from the notification requirement, while receipt of a binding contractual assurance regarding *prohibited transactions* would mean that a *U.S. person* limited partner or equivalent would not commit a violation in the event that the fund used the *U.S. person's* capital to engage in a *prohibited transaction*, despite such contractual assurances. Additionally, the Treasury Department clarifies that this exception applies only to limited partner investments covered by § 851.209(a)(7), consistent with the corresponding exception in the Part 850 Regulations.

Derivatives. The Title VIII exception for investments in derivatives is explicitly limited to derivatives of a security described in three exceptions discussed above: publicly traded securities, securities issued by an investment company, and limited partner investments. The Proposed Rule maintains this scope for exceptions for investments in derivatives although it no longer contains the carve-out from the corresponding exception present in the Part 850 Regulations for derivatives that confer the right to acquire equity, rights associated with equity, or any assets of a *covered foreign person*. The Treasury Department invites comment on whether removing this carve-out would create a loophole for *U.S. person* investments that could raise national security concerns.

Exclusion from exception for investments affording certain governance rights. The Secretary also has determined that it is in the national interest to exclude from certain exceptions (namely, those for investments in publicly traded securities, securities issued by an investment company, limited partner investments, and derivatives, each as discussed above) *covered national security transactions* involving certain equity investments that would afford the *U.S. person* certain governance rights beyond standard minority shareholder protections with respect to a *covered foreign person*. This carveout

would help ensure that the exceptions in the Proposed Rule are consistent with the policy objectives of Title VIII, and that *U.S. persons* cannot undertake a transaction that has a higher likelihood of advancing the technologies that are a core concern of Title VIII. The Treasury Department further believes this carveout would be important to protect against potential evasion of the Proposed Rule's notification requirements and prohibitions. Additionally, the Proposed Rule would include clarifying language noting that the relevant “rights” of the *U.S. person* are governance-related rights.

Buyout exception. Title VIII creates an exception similar to the buyout exception in the Part 850 Regulations. The Title VIII exception appears broader than the exception in the Part 850 Regulations in that it applies to a *U.S. person's* acquisition of all the equity or other interests owned or held by a single *covered foreign person* in an entity or assets located outside of a *country of concern*, while the corresponding exception in the Part 850 Regulations requires for its application that a *U.S. person* acquire all equity or interests owned or held by all “persons of a country of concern.”

The wording of the statutory exception, if left unclarified, could introduce administrative challenges for the OISP and create interpretive ambiguity. This is so because in the case of an entity or assets outside of a *country of concern* in which multiple *covered foreign persons* hold equity or other interests, excepting a *U.S. person's* buyout of a single *covered foreign person's* interest in such entity or assets could effectively permit *U.S. person* investment in a *covered foreign person* entity that is engaged in a *prohibited technology* (or allow for such a transaction to go unnotified where the *covered foreign person* is engaged in a *notifiable technology*) even while such *covered foreign person* continues to have significant, or even majority, post-transaction ownership by other *covered foreign persons*. And although Title VIII's language would on its face permit such a circumstance, its emphasis on excepting a *U.S. person's* acquisition of the “totality of the interest” indicates that Congress did not contemplate this scenario. The Proposed Rule, therefore, would apply the buyout exception only where a *U.S. person* acquires all equity or interests owned or held by all *covered foreign persons* such that, following the acquisition, the entity no longer constitutes a *covered foreign person*.

Intracompany transfer exception. Title VIII provides an exception for the

intracompany transfer of funds, as defined by the Secretary, “from a United States parent company to a subsidiary located in a country of concern or a transaction that, but for this clause, would be a *covered national security transaction* between a *U.S. person* and its controlled foreign person that supports operations that are not *covered national security transactions* or that maintains *covered national security transactions* that the controlled foreign person was engaged in prior to the effective date of the regulations implementing” Title VIII. (Emphases added for clarity.)

The Proposed Rule would clarify the statutory exception and harmonize its terminology with the rest of the Proposed Rule. By operation of the proposed definitions of “parent,” “subsidiary,” “controlled foreign entity,” and “intracompany transfer of funds” in the Proposed Rule, a *U.S. person parent's subsidiary* located in a *country of concern* would be a *controlled foreign entity*, such that the relevant exception in the Proposed Rule would refer to the *intracompany transfer of funds* by a *U.S. person* to a *controlled foreign entity*. The Treasury Department notes that the intracompany transfer exception in Title VIII refers to transactions between a *U.S. person* and its “controlled foreign person.” As discussed above, the term “controlled foreign person” is used only in the intracompany transfer exception and does not otherwise appear in Title VIII, and the Proposed Rule therefore instead uses the term *controlled foreign entity*, consistent with the other parts of Title VIII and with the Part 850 Regulations.

The Title VIII statutory exception also is limited to supporting “operations that are not *covered national security transactions*.” On its face, such language would apply the intracompany transfer exception only to investments in entities that themselves engage in *covered national security transactions*. Given the statutory definition's similarity to the corresponding exception in Part 850 Regulations, it is unlikely Congress intended such a result. To ensure the proper and intended operation of Title VIII and to promote consistency with the Part 850 Regulations to minimize the cost and complexity of compliance for affected parties, the proposed exception (via the definition of an *intracompany transfer of funds*) would refer instead to supporting operations that are not in a *prohibited technology* or a *notifiable technology*.

The Treasury Department is considering whether and how it should further define what it means to

“maintain operations” within the intracompany transfer exception. Specifically, the Treasury Department invites comment on whether to (1) adopt a narrow construction of this term, such that the *U.S. person parent* would be limited to providing capital that would permit the *controlled foreign entity* to perform no more than upkeep and maintenance of the *notifiable technology* or *prohibited technology*; (2) adopt a broader construction to include upgrading or improving the existing operations, but not permitting any expanded production of the technology; or (3) most expansively, adopt a construction that permits expanding production or improving technological capabilities (provided that such improvement does not involve engaging in a different *notifiable technology* or *prohibited technology* or shifting from a *notifiable technology* to a *prohibited technology*).

De minimis transaction. Title VIII also includes an exception for transactions, the value of which the Secretary determines is *de minimis*. Based on the Treasury Department’s experience administering the OISP, the Secretary has determined that the *de minimis* value should be \$50,000, aggregated across the *covered national security transactions* or provision of funds to the relevant *covered foreign person* or joint venture in the preceding 12 months. The \$50,000 threshold would refer to the value of the transaction or transactions, which can include the provision of funds as well as the fair market value of any non-cash consideration. Pursuant to the authority delegated to the Secretary in Title VIII and as explained in the proposed definition of an *excepted transaction*, the Treasury Department would not be bound by the *U.S. person’s* determination of the value of a transaction. A *U.S. person* investor considering the applicability of this exception to a transaction involving non-cash consideration is encouraged to consider valuing such consideration in ways consistent with the equity or other interest acquired in exchange for such non-cash consideration.

The Proposed Rule would further limit the application of this exception to transactions that would otherwise be *notifiable transactions*. A *prohibited transaction* below this threshold could raise national security concerns given that the technology at issue may enable the military, intelligence, surveillance, or cyber-enabled capabilities of a *country of concern*. Therefore, the Secretary does not believe that any such transaction should be classified under Title VIII as *de minimis*.

Secondary transaction. Title VIII includes a new category of *excepted transaction*: a transaction secondary to a *covered national security transaction*. The Proposed Rule would incorporate the relevant text from Title VIII without modification. The Treasury Department invites comment on the scope of “contractual arrangements;” what “other similar services” may exist that would constitute a secondary transaction; whether “bank lending” would except all “banks” from *covered national security transactions* involving loan provision or similar debt financing; and whether other “secondary transactions” are duplicative of any ancillary transactions, including the exception for underwriting services or the processing, clearing, or sending of payments by a bank.

Ordinary or administrative business transaction. Title VIII includes an exception for any ordinary or administrative business transaction as may be defined in regulations. The Treasury Department has opted not to include a definition of an ordinary or administrative business transaction in the Proposed Rule. Given the broad scope of the exceptions for ancillary transactions and secondary transactions, the Treasury Department believes that transactions that may fall within the category of ordinary or administrative business transaction likely would already be within the scope of those exceptions or would not be *covered national security transactions* at all. The Treasury Department welcomes comment on what may constitute an ordinary or administrative business transaction that (1) would meet the definition of a *covered national security transaction*; and (2) is not otherwise included in another exception in the Proposed Rule.

Ancillary transaction. Title VIII creates a new exception for any ancillary transaction undertaken by a financial institution, as “financial institution” is defined in 31 U.S.C. 5312. The Proposed Rule would incorporate Title VIII’s statutory definition and clarify that such transactions must be undertaken in connection with, or in certain situations, on behalf of, a *covered foreign person*.

Transaction completed before the effective date of Title VIII. Title VIII also includes an exception for any transaction completed before the date of the enactment of Title VIII, *i.e.*, December 18, 2025. The Proposed Rule would implement this provision but limit the application to any *covered national security transaction* not otherwise subject to the Part 850

Regulations. This additional language is intended to ensure that parties understand that the exception does not permit them to avoid any prohibition or notification requirements under the Part 850 Regulations for any *covered national security transaction* that would be a “covered transaction” under the Part 850 Regulations.

§ 851.502—National Interest Exemption

Title VIII authorizes the Secretary to exempt from prohibition any activity determined by the President, in consultation with the Secretary, or delegated to the Secretary, in coordination with the Secretary of Commerce, Secretary of State, and, as appropriate, the heads of other *relevant Federal departments and agencies*, to be in the national interest of the United States. Any determination to grant a *national interest exemption* will be based on a consideration of the totality of the relevant facts and circumstances.

Instructions for submitting a request for a *national interest exemption* can be found on the OISP website.

The Treasury Department is considering whether a streamlined process for seeking a *national interest exemption* would be appropriate for *covered national security transactions* in one or more technology sectors. The Treasury Department requests comment on what the criteria and timelines should be if any such process were to be considered.

§ 851.503—Intelligence Activities Exemption

Title VIII adds an exemption for any authorized intelligence activities of the United States. Section 851.503 of the Proposed Rule incorporates this exemption.

Subpart F—Violations

This subpart of the Proposed Rule describes conduct that would be treated as a violation of the Proposed Rule. Such conduct would include taking any action prohibited by the Proposed Rule, failing to take any action required by the Proposed Rule within the timeframe and in the manner required, taking action to evade or avoid—or conspiring to violate—the Proposed Rule’s requirements, and making materially false or misleading representations to the Treasury Department when submitting any information required by the Proposed Rule.

The Treasury Department notes that the proposed anti-evasion language would apply to any action that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the Proposed

Rule's obligations, as well as to any conspiracies formed to violate the obligations of the Proposed Rule. Evasion may include the establishment by a *U.S. person* of an entity or corporate structure to effectuate a transaction that would be a *covered national security transaction* if undertaken by a *U.S. person*. While many U.S. investors or asset managers may have bona fide commercial reasons to establish non-U.S. investment vehicles to effectuate investments outside of the United States, in determining whether an entity was established or used for the purpose of evading the obligations of the Proposed Rule, the Treasury Department may consider, *inter alia*: whether a *U.S. person* de facto controls the non-U.S. entity irrespective of formal corporate governance rights or voting interest held in the entity; the extent and nature of any shared personnel, services, facilities, or branding between a *U.S. person* and the non-U.S. entity, or commingling of funds; privity in limited partnership interest between a *U.S. person* and the non-U.S. entity (*i.e.*, does the non-U.S. entity have the same investors as an affiliated U.S. fund or fund controlled by a *U.S. person*); and shared beneficial ownership or right to proceeds (including any commercial arrangements effectuating the same) between the *U.S. person* and the non-U.S. entity.

Pursuant to Title VIII, the Treasury Department proposes adding a new § 851.605, which would establish that, in an enforcement action for a violation of the Proposed Rule, the burden of proof shall be upon the Secretary.

Subpart G—Penalties and Disclosures

This subpart of the Proposed Rule describes the penalties that would be applicable to violations of the Proposed Rule. The Treasury Department notes that the current Part 850 Regulations contain text that allows for civil and criminal penalties. Title VIII, however, includes language regarding civil penalties but does not include language regarding criminal penalties. As such, the Treasury Department proposes to retain previous civil penalty language from the Part 850 Regulations in the Proposed Rule and to omit language that allows for criminal penalties from the Proposed Rule. The Proposed Rule would include civil penalties up to the maximum amount set forth in section 206 of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* The Treasury Department may impose a civil penalty on any person that violates the Proposed Rule. Further, to implement Title VIII, the Proposed

Rule would also state that the Secretary may compel the divestment of a *covered national security transaction* in a *prohibited technology*.

This subpart would also describe the process for submission of a voluntary self-disclosure by a person that may have violated applicable rules. The Treasury Department may take self-disclosures into account as a mitigating factor in determining any appropriate response, including the potential imposition of penalties, if the Treasury Department determines that there was a violation. Consistent with Title VIII, the Proposed Rule would use corresponding language from the Part 850 Regulations but would modify the scope of a voluntary self-disclosure to require that such disclosures contain a proposal for mitigation of any harms associated with the violation, including divestment or a voluntary disgorgement of profits. The Proposed Rule would further specify the information that must be included in a voluntary self-disclosure letter.

Subpart H—Provision and Handling of Information

This subpart of the Proposed Rule would implement the section of Title VIII that provides that information or documentary material provided to the Treasury Department under this part is exempt from disclosure under section 552(b)(3) of Title 5 of the United States Code. Title VIII also identifies exceptions to this rule.

The Proposed Rule would incorporate this provision of Title VIII with certain clarifications. Title VIII excepts from the disclosure exemption certain information “[g]athered by the Secretary or the Secretary’s designee where the disclosure is determined to be in the national interest.” Section 851.801(b)(6) would clarify that the determination is made by the Secretary or the Secretary’s designee. Factors that the Secretary or the Secretary’s designee may consider when determining if disclosure is in the national interest may include whether such disclosure will further national security interests, address law enforcement needs, or promote compliance with the rule. Circumstances in which the Secretary may determine the disclosure of information to be in the national interest can include, for example, in the context of notifying the public regarding an action taken by the Treasury Department to enforce compliance with the Proposed Rule. The Treasury Department anticipates this exception to be invoked only in circumstances in which the Secretary identifies a national interest that disclosure could help to address.

Subpart I—Non-Binding Feedback

This subpart would implement Title VIII by establishing procedures by which an eligible person may request non-binding feedback from the Treasury Department regarding a *prohibited transaction*.

The Treasury Department recognizes that parties may have questions regarding whether a specific investment would constitute a *prohibited transaction*. Indeed, since the Part 850 Regulations became effective in January 2025, transaction parties and the public have requested feedback on interpretations of the Part 850 Regulations, submitted questions regarding compliance with the regulations, and sought additional public guidance. In response, the Treasury Department has published on its website several tranches of Frequently Asked Questions designed to assist the public with understanding and complying with the regulations.

To make effective and efficient use of the Treasury Department’s resources, limit frivolous requests as contemplated under Title VIII, and adhere to Title VIII’s confidentiality requirements, the Proposed Rule would require that requests for feedback be submitted in writing by a *party* with a direct financial interest in an actual—not hypothetical—transaction. While an executed contract would not be required, the material terms of the prospective transaction would need to be identified in a binding written agreement or other binding document to demonstrate that the transaction is not hypothetical. Requesters would need to provide sufficient detail regarding the transaction—which could be in the form of an executed contract, term sheet, or other written documentation—to permit a meaningful review and potential determination by the Treasury Department as to whether the transaction is a *prohibited transaction*. The Treasury Department recognizes that a *person* that is not a *party* to a *covered national security transaction* may have tips or referrals related to compliance with the OISP, and the Treasury Department continues to encourage the submission of tips and referrals by email to Outbound.Tips@treasury.gov. The Treasury Department will continue to monitor and evaluate such tips and referrals, but it does not intend to provide feedback to them.

The Treasury Department expects that a *party*, before submitting a request for non-binding feedback, will have conducted sufficient diligence with respect to a potential investment to provide the information that the

Treasury Department would need to evaluate such a request. This would include, at a minimum, information about the requester and any *party* to the transaction; a detailed description of the structure of the transaction (including the form of investment, governance and information rights, timing, and *completion date*); a detailed description of the products, services, technologies, or activities implicated by the transaction; all operative documents and material term sheets, draft agreements, side letters, and other written materials reflecting the transaction; and any other information that the requester believes would be relevant to the application of the Proposed Rule to the transaction.

The Proposed Rule would outline additional features of the submission process for non-binding feedback, including a required *certification* that the request contains true, correct, and complete disclosure of all material facts and circumstances known to the requester at the time of submission and that the requester will supplement the request if the requester learns of material changes or omissions. The Proposed Rule notes that the Treasury Department may request additional information or a meeting with the requester and any relevant parties to the transaction.

The Proposed Rule would state that receipt of a complete request for non-binding feedback would not obligate the Treasury Department to issue such feedback and would also state that the Treasury Department may, in its sole discretion, respond to a complete request by providing anonymized public guidance, issuing confidential, written non-binding feedback, or declining to provide feedback. The Proposed Rule would further state that non-binding feedback provided pursuant to this subpart would address only whether a transaction, as described in the request, would constitute a *prohibited transaction*, and that the Treasury Department may provide feedback that is responsive to some, but not all, of the questions or information presented by the requester. The Proposed Rule would also describe the non-binding nature of the feedback, noting that feedback provided pursuant to this subpart would not bind the Treasury Department, any other Federal or local department or agency, or any court; would not constitute an authorization, license, exemption, or waiver; and would not preclude the Treasury Department from taking any action authorized by the law with respect to the transaction, the requester, or any other person.

To further limit frivolous requests as authorized under Title VIII, the Proposed Rule would describe types of requests that the Treasury Department may identify as frivolous, including requests that concern hypothetical conduct, are incomplete or lack sufficient information to permit a meaningful review, or seek general advisory views or policy guidance that is not specific to the transaction that is the subject of the request.

The Treasury Department notes that this non-binding feedback process would be a new addition to the OISP, as the Part 850 Regulations do not include such a process, and welcomes comment on this subpart.

Subpart J—Information on Covered Foreign Persons

Subpart J of the Proposed Rule would implement Title VIII by establishing a mechanism by which the public can submit evidence, on a confidential basis, regarding whether a *foreign person* is a *covered foreign person* engaged in a *prohibited technology* or *notifiable technology*. The Proposed Rule would describe the information that the Treasury Department requires to determine whether a *foreign person* is a *covered foreign person*.

The Treasury Department is actively considering whether and how to establish a publicly accessible, non-exhaustive database of *covered foreign persons* as described in Title VIII. Items under consideration include: (1) whether to limit such a database to only *covered foreign persons* engaged in *prohibited technology*; (2) the evidentiary standard that the Treasury Department should meet before determining that a *foreign person* is (or is no longer) a *covered foreign person* engaged in a *prohibited technology* or a *notifiable technology* and should be included in (or removed from) a database; (3) how to communicate the limited temporal nature of inclusion in any such database, given that a *covered foreign person's* engagement in a *prohibited technology* or *notifiable technology* can change over time; and (4) the administrative burden this may place on the Treasury Department. The Treasury Department welcomes comment on these and any other issues that may be relevant to the establishment of the public database.

Subpart K—Other Provisions

This subpart of the Proposed Rule would implement provisions related to the delegation of the Secretary's authorities under Title VIII, any amendment or modification of the Proposed Rule, severability of the

Proposed Rule, and a requirement for certain information regarding any transaction to be furnished upon demand. The Proposed Rule would also state that, consistent with Title VIII, the Treasury Department has the power to investigate conduct that may constitute a violation, hold hearings, call witnesses, and require in-person testimony or production of documents.

III. Request for Comment

The Treasury Department welcomes comment with respect to the Proposed Rule as a whole and to specific provisions discussed above in Section II, accompanied by empirical data or other specific information wherever possible.

IV. Rulemaking Requirements

This Proposed Rule is intended to implement Subtitle C of the COINS Act, which added Title VIII to the Defense Production Act of 1950. Title VIII establishes a statutory framework for the Secretary to (1) require *U.S. persons* to provide notification to the Treasury Department regarding certain transactions involving foreign persons that are engaged in activities involving *notifiable technologies*, and (2) prohibit *U.S. persons* from engaging in certain other transactions involving foreign persons that are engaged in activities involving *prohibited technologies*.

The Treasury Department has opted, as a matter of discretion, to undertake a high-level analysis of the anticipated costs and benefits of the Proposed Rule.

In addition, this section includes the required assessments of the reporting and recordkeeping burdens under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, and the potential impact on small entities pursuant to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*

A. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives for certain types of rulemaking in certain circumstances and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Management and Budget's Office of Information and Regulatory Affairs has designated this Proposed Rule a significant regulatory action under E.O. 12866. The Treasury Department conducted an assessment of the costs and benefits of the Proposed Rule, as well as the costs and benefits of available regulatory alternatives.

As noted above, Title VIII directs the Secretary to issue regulations to (1) require *U.S. persons* to provide

notification to the Treasury Department regarding certain transactions involving foreign persons that are engaged in activities involving *notifiable technologies*, and (2) prohibit *U.S. persons* from engaging in certain other transactions involving foreign persons that are engaged in activities involving *prohibited technologies*. The Proposed Rule maintains the general framework of the Part 850 Regulations while making changes to implement Title VIII and address the effort by *countries of concern* to develop certain technologies that pose a threat to the national security of the United States.

Title VIII authorizes the Secretary, in consultation with the appropriate congressional committees and subject to notice and comment, to prescribe regulations defining the technical parameters of *notifiable technologies* and *prohibited technologies* in the following technology sectors: (1) semiconductor technology and microelectronics; (2) artificial intelligence systems; (3) quantum information technologies; (4) high-performance computing and supercomputing; and (5) hypersonic systems. As described above, the Treasury Department has determined that rapid advances in the development, adoption, and use of SI capabilities by *countries of concern* warrant an expansion in the prohibition of *U.S. person* investment in that sector. Additionally, for the reasons described above, the Treasury Department has expanded the prohibition on *U.S. person* investment into semiconductors and quantum computing in *countries of concern*. Title VIII also authorizes the Secretary, in consultation with the appropriate congressional committees, to add and define categories of technologies and products that enable the military, intelligence, surveillance, or cyber-enabled capabilities of a *country of concern*. The Secretary has determined for purposes of this Proposed Rule to add certain technologies and products within the biotechnology sector as *prohibited technologies*. Other changes include the coverage of additional *countries of concern*: Russia, Iran, Cuba, the Democratic People's Republic of Korea, and Venezuela under the regime of Nicolás Maduro Moros. Title VIII also requires that the implementing regulations establish a process under which a person can request confidential non-binding feedback or anonymized public guidance for a potentially *prohibited transaction*.

The Proposed Rule would apply to certain types of investments by *U.S. persons* in *covered foreign persons*

engaged in the technologies and activities described above or meets the conditions of § 851.208(a)(8). These include certain acquisitions of equity interests, limited partner investments, greenfield investments, joint ventures, and certain debt financing transactions. The Proposed Rule would except from coverage certain activities or transactions that are identified in Title VIII, including investments in publicly traded securities, certain investment funds, any *de minimis* transaction, any ancillary transaction, an *intracompany transfer of funds*, or any ordinary or administrative business transaction, as well as other transactions secondary to a *covered national security transaction*. Title VIII also authorizes the Secretary to except from coverage any other transaction that the Secretary determines is in the national interest of the United States.

B. Costs

The primary direct costs to the public associated with the Proposed Rule would relate to (1) understanding the Proposed Rule, (2) conducting the transaction-specific diligence that would be needed for a *U.S. person* to determine whether its intended transaction would be subject to either the notification or prohibition provisions of the Proposed Rule; and (3) if applicable, preparing and submitting a mandatory notification of certain transactions or other information to the Treasury Department pursuant to the Proposed Rule. The Treasury Department requests comments on any of the assumptions and estimates in this analysis.

The Proposed Rule would apply to all *U.S. persons* undertaking a *covered national security transaction* with or involving a *covered foreign person*. To estimate the number of potential transactions subject to the Proposed Rule, the Treasury Department considered the number of transactions filed under the notification requirement pursuant to the Part 850 Regulations, the scoping of the Proposed Rule, and a review of commercially available data on transactions that may be subject to the Proposed Rule based on the identified sector of the investment target.

For example, to estimate the number of entities and transactions that would be potentially affected by the Proposed Rule and would incur associated compliance costs, the Treasury Department considered publicly available data from PitchBook relating to transactions from approximately 2023 through 2025. This data indicated that over the relevant three-year period,

almost 230 unique U.S.-based investors completed approximately 300 initial and add-on investment transactions in the semiconductor, artificial intelligence, quantum information technology, hypersonic system, high-performance computing and supercomputing, and biotechnology sectors (as such sectors are identified in the commercially available data) in *countries of concern*. This data suggests an annual average of 75 different investors collectively engaging in an annual average of approximately 100 potentially *covered national security transactions*. While granular details of U.S. private investment overseas cannot be determined with precision, the Treasury Department believes this figure to be a reasonable estimate. For purpose of this analysis, the Treasury Department then doubled the averages from this data over the relevant three-year period to account for the possibility that these average figures undercount transactions. For example, commercially available data may not include certain transactions that would be subject to the Proposed Rule, or such data may not identify certain transactions as occurring in the technology sectors subject to the Proposed Rule. Thus, the Treasury Department's analysis is based on the assumption that, annually, around 150 different investors collectively engage in 200 transactions that would be potentially covered by the Proposed Rule.

The Treasury Department is interested in comments regarding additional publicly available data sources that the Treasury Department should consider. The Treasury Department also welcomes comment on whether doubling the averages from publicly available data is a reasonable way to account for uncertainty or whether the Treasury Department should account for this uncertainty using a different methodology.

To derive an estimate for the costs related to the Proposed Rule, the Treasury Department first estimated the associated labor costs. The Treasury Department expects that businesses reviewing the Proposed Rule and engaging in potentially relevant transactions would engage their own employees as well as lawyers from outside law firms.

For a low-end estimate, the Treasury Department relied on May 2025 Occupational Employment and Wage Statistics (OEWS) data from the Bureau of Labor Statistics (BLS), which reports the mean hourly wage for Standard Occupational Classification System Code (SOC Code) 231011—Lawyers to be \$89.35 per hour and SOC Code

111021—General and Operations Managers to be \$64.87 per hour.² In each instance the Treasury Department tripled the BLS mean hourly wage figure. This adjustment is meant not only to account for employee benefits and overhead, but also to reflect the presumption that, because these U.S. investors require attorneys and other staff with experience in cross-border investments that involve complex financial and corporate structures, the hourly labor costs of the investors and their advisers likely to be affected by the Proposed Rule will be systematically higher than the hourly mean wage in these occupational categories. Accordingly, the Treasury Department estimates that the impacted entities will each incur costs of \$195 per hour for operations managers and \$268 for lawyers. As the Treasury Department is unable to determine which particular tasks will be performed by managers as compared to lawyers, this cost analysis uses the average wage of the two positions for both the low-end and high-end estimate, which the Treasury Department assesses is a reasonable method for estimating the hourly cost. The average of these figures is \$231 per hour, which is the low-end estimate.

For a high-end estimate, for the reasons discussed in the preceding paragraph, the Treasury Department acknowledges that the hourly rate billed for a lawyer performing the relevant type of work at an outside firm may be higher than the average hourly wage of a lawyer. Using BLS OEWS data from 2025, the average hourly attorney billing rate in Washington, DC, where many private practice attorneys who advise on the OISP are based, was \$116.73 and the hourly cost for operations managers was \$78.67.³ In each instance, the Treasury Department tripled the BLS mean hourly wage figure. This adjustment is meant not only to account for employee benefits and overhead, but also to reflect the presumption that hourly labor costs of the investors and their advisers likely to be affected by the Proposed Rule will be systematically higher than the hourly mean wage in these occupation categories. Accordingly, the Treasury Department estimates that the affected entities will each incur costs of \$236 per hour for operations managers and \$350 for lawyers. The blended average figure for Washington, DC, is \$293 per hour. The Treasury Department seeks comment on whether these figures (*i.e.*, the low-end or the high-end estimate)

are reasonable benchmarks and estimates for this analysis or whether there are other sources of data or estimates it should consider.

Costs Associated With Understanding the Proposed Rule

Based on the above assumptions and estimates of affected entities, number of transactions, and labor costs, the Treasury Department has estimated the annual time and cost that would be spent by affected entities in understanding the Proposed Rule. While recognizing that the amount of time necessary to understand the Proposed Rule will vary, the Treasury Department arrived at the below estimates for purposes of this analysis.

The range of estimated aggregate annual costs for understanding the Proposed Rule begins at \$462,000 on the low end and rises to \$586,000 on the high end. This is based on the estimate of an average time burden to be 10 total person-hours per transaction for understanding the Proposed Rule. As such, 10 total person-hours per transaction multiplied by 200 annual transactions and the low-end hourly labor cost range and high-end hourly labor cost range described above, respectively, result in the total cost range for understanding the Proposed Rule.

Costs Associated With Diligence and Maintaining Records

Based on the above assumptions and estimates of affected entities, number of transactions, and labor costs, the Treasury Department has estimated the annual time and cost that would be spent by affected entities on conducting diligence. While recognizing that the extent of this diligence will necessarily vary from transaction to transaction and noting that these economic estimates should in no way be construed as relevant to a party's determination of what constitutes a reasonable and diligent inquiry in light of the particular facts and circumstances of a transaction and the requirements of the Proposed Rule, the Treasury Department arrived at the following estimates for purposes of this regulatory analysis.

The Treasury Department estimates that the range of the annual additional cost for conducting diligence and maintaining records would range from \$0 on the low-end to \$2,344,000 on the high-end. In estimating the low-end, the Treasury Department recognizes that virtually all investment transactions, regardless of whether the investment is potentially subject to this Proposed Rule, require some minimum level of review, diligence, assessment, and

recordkeeping by the investor. And, in most cases, the level of collected and retained information necessary to comply with the Proposed Rule would not give rise to an additional cost to the investor.

The Treasury Department estimates that with respect to those investment transactions where diligence and recordkeeping costs are expected to marginally exceed the normal costs due to more detailed inquiry regarding a technology or other detail relevant to the Proposed Rule, the average additional burden would not exceed 40 total person hours per transaction for conducting diligence and maintaining records.

As such, the Treasury Department arrived at the high-end estimate by multiplying 40 total person hours per transaction by 200 annual transactions by the high-end hourly labor cost range described above. The Treasury Department estimates 40 person-hours per transaction, based on a total of approximately eight person-hours across all involved employees and lawyers per business day for one week. However, the cost and duration of a *U.S. person* conducting diligence will vary depending on a transaction's complexity and may be higher for certain transactions, such as indirect transactions, including transactions undertaken by a *U.S. person's controlled foreign entity*.

The Treasury Department seeks comment on whether these figures are reasonable benchmarks and estimates for this analysis or whether there are specific sources of data or estimates it should consider.

Costs Associated With Providing Information

The Proposed Rule contemplates mandatory notifications for *notifiable transactions* and other notices and information submissions. The Treasury Department intends to require *U.S. persons* to provide notification of certain transactions under the Proposed Rule. The Proposed Rule also contemplates that a person seeking a *national interest exemption* from the prohibition requirements of the Proposed Rule would submit certain information to the Treasury Department. The Proposed Rule also would require a *U.S. person* to make a post-closing submission regarding a transaction that the *U.S. person* believed at closing was not a *covered national security transaction* if the person later discovers information that, had it been known at closing, would have caused the transaction to be a *covered national security transaction*. Moreover, the

² Occupational Employment and Wage Statistics Tables: U.S. Bureau of Labor Statistics, <https://www.bls.gov/oes/tables.htm>.

³ *Id.*

Proposed Rule would require a person to submit a notice of any material omission or inaccuracy in any previous representation, statement, or certification. Lastly, the Treasury Department anticipates time and cost associated with responding to inquiries by the Treasury Department.

The Treasury Department expects that, of the universe of potentially *covered national security transactions* for which *U.S. persons* perform due diligence each year, some will turn out not to be covered, others will turn out to be notifiable, and still others will turn out to be prohibited. For purposes of this analysis, however, the Treasury Department has assumed that *U.S. persons* will perform due diligence with respect to 200 potentially *covered national security transactions* each year, and that all 200 transactions are *notifiable transactions*. The Treasury Department has made this assumption in the interest of estimating an upper bound. As a general matter, a *notifiable transaction* would likely cost more in terms of time and resources than a *prohibited transaction*, because, in addition to the due diligence cost, a *notifiable transaction* would entail extra time to prepare and submit a notification.

The estimated annual cost range for time spent submitting information would be \$2,310,000 to \$2,930,000. This estimate assumes 50 person hours per transaction for preparing and submitting a notification, combined with the number of transactions per year—200—and the hourly labor cost range described above—\$231 to \$293. As discussed above, this number likely reflects the high-end estimate since this analysis assumes that every potentially relevant transaction would result in a notification. However, the Treasury Department expects that some prospective transactions subjected to due diligence would turn out to be not covered and others would turn out to be prohibited; transactions that are not *covered national security transactions* and *prohibited transactions* would not trigger a notification.

For purposes of this analysis, the Treasury Department estimated only the total annual costs of preparing and submitting a notification. If a respondent submits information in support of a *national interest exemption*, the Treasury Department anticipates that the associated time needed to prepare and submit such information would be comparable to the costs of preparing and submitting a notification. The Treasury Department anticipates that the time and cost of preparing and submitting a post-

transaction notice, notice of any material omission or inaccuracy in any previous representation, statement, or certification, or responding to agency inquiries may be comparable but likely lower than the costs of preparing and submitting a notification.

Additionally, the Treasury Department recognizes that a *U.S. person* may incur costs for the preparation of a request for confidential non-binding feedback or anonymized public guidance. However, since this is an optional request for a *U.S. person* and is a new addition to the existing program, the Treasury Department cannot estimate the number of requests that may be submitted. Therefore, the Treasury Department has determined that costs associated with the non-binding feedback process will not be included in this cost estimate.

Estimated Total Direct Cost

Based on the direct cost estimates above, the total annual direct costs associated with complying with the Proposed Rule can be expected to have a range of between \$2,772,000 to \$5,860,000 and the total annual time burden would be approximately 20,000 person-hours.

Additional Indirect Costs Associated With Prohibited Transactions

With respect to *prohibited transactions*, the Treasury Department does not believe that the Proposed Rule will have additional direct economic costs to U.S. investors beyond those described above. There may, however, be additional indirect costs associated with *prohibited transactions*. Investors who would have otherwise engaged in a *prohibited transaction*, absent the Proposed Rule, may have to seek less promising investment opportunities since they would be precluded from undertaking and benefiting from *prohibited transactions* that would be foreclosed to them by the Proposed Rule. These indirect costs amount to the difference between the return that would have been generated by the *prohibited transaction* and the return that would result from the best alternative transaction. In addition, while the Proposed Rule may have an economic impact on investment targets that are *covered foreign persons* because certain transactions would be prohibited, the Proposed Rule is not designed to, nor does it, prohibit all *U.S. person* investments into such persons, due to the several exceptions provided for in the Proposed Rule.

Costs to the U.S. Government

Administering the Proposed Rule would also entail costs to the U.S. Government. Such costs would include information technology (IT) development and ongoing annual maintenance, as well as processing electronic submissions of the transaction data. The Treasury Department estimates that IT development costs would be between \$4 million and \$5 million with an additional \$2 million to \$3 million required to maintain the new systems and the underlying technology being leveraged to support the new capabilities. This would include adjustments to address changes in the type of notification information being received, as well as implementing processes for the electronic submission of requests for confidential non-binding feedback, and information submissions regarding potentially *covered foreign persons*, among other changes.

The Treasury Department or other agencies may incur additional costs, besides those estimated above, while promoting compliance with the notification and prohibition requirements, potentially including providing training on the requirements, publishing documents such as guidance and frequently asked questions, and conducting outreach to and answering inquiries from the public. The Treasury Department does not currently have specific estimates for these costs but estimates that there would be personnel costs of less than \$1 million associated with the Proposed Rule in Fiscal Year 2027. For future years, the Treasury Department may incur additional costs for ongoing outreach and enforcement, as well as ensuring there is sufficient personnel to review and timely respond to requests for confidential non-binding feedback.

The Treasury Department and other government agencies may also incur costs in enforcing compliance with the Proposed Rule. These may include additional personnel costs related to the expanded prohibition in existing technology sectors as well as new technology sectors added by Title VIII. The Treasury Department does not currently have estimates for these costs, and they are not included in the estimates above.

The Treasury Department plans to monitor compliance with the Proposed Rule, when finalized, by leveraging a variety of data sources, both internal and external. Because the external data sources may include third parties, the Treasury Department requests comment on what external data sources would be

appropriate to leverage in identifying non-compliance with the Proposed Rule and what potential costs may be incurred by such third parties. If the external data sources include third party commercial data, the Treasury Department assesses that the costs associated with accessing these databases would be modest and incremental, given that the Treasury Department regularly maintains access to such databases but may need to request additional licenses for employees. After identifying an instance of apparent non-compliance, the Treasury Department may initiate outreach to the involved entity, work with law enforcement to investigate the apparent non-compliance, or initiate an enforcement action. The Treasury Department's enforcement of the Proposed Rule would also involve coordination with law enforcement agencies. These law enforcement agencies may also incur costs (time and resources) while conducting investigations into potential non-compliance.

C. Benefits

As Congress noted in the COINS Act, there are countless known and unknown entities in *countries of concern* that are developing dual-use strategic technologies that benefit a foreign adversary's military modernization efforts, surveillance states, and human rights abuses. Advancement by *countries of concern* in sensitive technologies and products critical for the military, intelligence, surveillance, human rights abuse, or cyber-enabled capabilities of such countries constitutes a threat to the national security of the United States. Restricting certain U.S. outbound investments into certain technologies in *countries of concern* is necessary to prevent harm to U.S. national security and foreign policy interests.

The Proposed Rule is designed to complement existing tools of the U.S. Government and effectively address the threat to the national security of the United States described in Title VIII. While the benefit of protecting national security is difficult to quantify, the Treasury Department has identified specific benefits below. The notification function of the Proposed Rule is intended to provide key information that the Treasury Department could use to better inform the development and implementation of the OISP. Such notifications received under the existing OISP have increased the U.S. Government's visibility into transactions by *U.S. persons*, or their *controlled foreign entities*, in the SI and

the semiconductor and microelectronics sectors in a *country of concern*. These have also assisted the U.S. Government by highlighting trends with respect to related capital flows and investment by non-U.S. persons in these technology sectors in a *country of concern*. Finally, these notifications have informed policy development for the Proposed Rule as well as other U.S. Government efforts to protect U.S. national security. The Treasury Department expects to receive similar benefits from notifications filed under the Proposed Rule. The Treasury Department does not currently propose a breakeven analysis for the Proposed Rule, as it continues to collect information on potential costs and benefits of the Proposed Rule through the rulemaking process.

D. Alternatives

The Proposed Rule is promulgated pursuant to Title VIII, which directs the Treasury Department to issue regulations to implement its requirements. However, the Treasury Department considered some alternative approaches that would be consistent with Title VIII. Specifically, the Treasury Department considered the following potential alternatives to the Proposed Rule:

- *Limited exceptions.* In the Proposed Rule, the Treasury Department would define the term "covered national security transaction" largely as defined in Title VIII (as set forth in Subpart B) without further permitted additions and would provide for certain exceptions (in Subpart E), some of which are explicitly required by Title VIII and others that are permitted, but not required, under Title VIII. Therefore, as an alternative consistent with Title VIII, the Treasury Department could have proposed a broader definition of *covered national security transaction* and/or fewer exceptions. This alternative likely would result in the gathering of more information on U.S. investments in sensitive technologies and products in *countries of concern* through *notifiable transactions*, which would expand the information available to assist the development and implementation of the OISP. But the alternative approach also likely would impose higher compliance costs on *U.S. persons*.

- *Prohibited and notifiable technology using broad definition of sectors rather than specific activities and technologies.* In the Proposed Rule, the Treasury Department would define *notifiable technology* and *prohibited technology* in § 851.218 and § 851.226, respectively, by reference to certain technologies and activities, and in some instance, end uses. Alternatively, and

consistent with Title VIII, the Treasury Department could have proposed broad sectoral categorizations, such as, for example, defining a *prohibited technology* to include "all super intelligence" in a country of concern. If the Treasury Department had proposed that approach, the Treasury Department estimates that it would create ambiguity and uncertainty for *U.S. persons* about what investments were subject to the prohibition and notification requirements because of the lack of a clear, articulated nexus between a *covered foreign person* and the technology being described. This in turn would result in significant compliance costs and overall economic consequences on *U.S. persons* and the U.S. economy that could undermine potential national security benefits.

Paperwork Reduction Act

The collections of information contained in this Proposed Rule have been submitted to OMB for review in accordance with section 3507(d) of the PRA under control number 1505-0282.

The Proposed Rule would require *U.S. persons* to submit a notification with respect to (1) any *notifiable transaction*, as defined in the Proposed Rule; (2) any transaction by a *controlled foreign entity* that would be a *notifiable transaction* if engaged in by a *U.S. person*; and (3) any transaction for which a *U.S. person* acquires actual awareness after the completion date of the transaction that the transaction would have been a *prohibited transaction* or *notifiable transaction* if such awareness had been possessed by the relevant *U.S. person* at the time of the transaction. Such notification would include relevant details on the *U.S. person* involved in the transaction, as well as information on the transaction and the foreign person involved. The Proposed Rule would require any *U.S. person* that has filed a notification to respond to any questions or document requests from the Treasury Department related to the transaction or compliance with the Proposed Rule; any information or documents provided to the Treasury Department in response to such request would be deemed part of the notification under the Proposed Rule.

The Proposed Rule would also require any *U.S. person* that files a notification to maintain a copy of the notification filed and supporting documentation for a period of ten years from the date of the filing. Further, the Proposed Rule would require any person who has made any representation, statement, or certification subject to the Proposed Rule to notify the Treasury Department

in writing of any material omission or inaccuracy in such representation, statement, or certification. Also, the Proposed Rule would require any voluntary self-disclosure letter to describe the violation and provide complete information to inform an understanding of the violation, and may in some instances require additional supporting documentation.

Additionally, the Proposed Rule would require any *U.S. person* seeking confidential non-binding feedback to have a direct financial interest in an actual transaction and provide sufficient detail in writing to determine if a transaction is a *prohibited transaction*. Finally, the Proposed Rule would also require any *U.S. person* seeking a *national interest exemption* to submit information to the Treasury Department regarding the scope of the transaction, including, as applicable, the information that would be required for a notification of a *notifiable transaction*.

The collections of information described would be used by the Treasury Department and, as appropriate, certain other Executive Branch agencies, in connection with the analysis of *notifiable transactions* pursuant to Title VIII. Under the current OISP, information provided in notifications has increased the U.S. Government's visibility into the volume and nature of *U.S. person* transactions involving the semiconductor and microelectronics and SI sectors, as well as helped highlight trends with respect to related capital flows. Similarly, the Treasury Department expects this information would continue to assist in informing future policy development and decisions, including any modifications to the scope of *prohibited transaction* or *notifiable transaction*. Additionally, the information would assist the Secretary in complying with the reporting requirements in Title VIII and in determining whether to grant a *national interest exemption* to a particular *covered national security transaction*. The Proposed Rule would require the Treasury Department not to make public any information or documentary materials submitted to or filed with the Treasury Department under the Proposed Rule unless required by law or otherwise provided in the Proposed Rule, including when the information is relevant to any penalty imposed or any other enforcement action taken under the Proposed Rule.

Written comments and recommendations for the proposed information collections can be submitted by visiting <https://www.reginfo.gov/public/do/PRAMain>.

Information collection requests may be found by selecting "Currently Under Review—Open for Public Comments" or by using the search function. Comments on the collections of information should be received by December 7, 2026.

The Treasury Department used the methodology described in the previous section to estimate the total annual reporting and recordkeeping burden of the information collections in this Proposed Rule. The Treasury Department estimates that the annual hourly burden would be 18,000 hours. This annual total is based on the Treasury Department's assumption that: (1) 150 entities per year would respond to the information collections in this Proposed Rule and these respondents would file 200 responses to the information collections annually; and (2) each respondent would spend an average of 50 to 90 person hours per response. The Treasury Department estimates that the annual cost burden associated with the information collections in the Proposed Rule would range between \$2,310,000 and \$5,274,000.

In accordance with 5 CFR 1320.8(d)(1), the Treasury Department is soliciting comments from members of the public concerning these collections of information to:

(1) Evaluate whether the proposed collections of information are 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 collections of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology.

Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the OMB.

Regulatory Flexibility Act

It is hereby certified that the Proposed Rule would not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act.

The Proposed Rule may impact any *U.S. person*, including a small business that engages in a *covered national security transaction* with a *covered*

foreign person. The Treasury Department does not anticipate that the Proposed Rule would affect "small organizations" or "small governmental jurisdiction[s]," as defined in the RFA.

The Treasury Department expects the Proposed Rule to have a negligible baseline impact on small businesses because the Proposed Rule focuses on certain transactions that—based on the Treasury Department's experience with the type of U.S. investors involved in transactions currently subject to the existing OISP—are more likely to involve a small number of sophisticated investors managing substantial amounts of capital and with access to expertise in a number of emerging technology sectors. This expertise may be acquired through affiliated companies or the hiring of senior advisors with significant experience growing and managing successful technology companies, either of which financial investors that meet the requirements to be a small business are unlikely to have. Further, the *covered foreign persons* subject to the Proposed Rule are largely located outside of the United States, requiring U.S. investors to hire or retain staff skilled in assessing and structuring complex cross-border investments in foreign companies, which is not common to small businesses. In addition, and as discussed below, the Treasury Department has assessed that small businesses would be more likely to enter into the types of transactions excepted from coverage, including *de minimis* transactions and investments in publicly traded securities, if such businesses are investing at all into *covered national security transactions*.

As an example, the Small Business Administration's (SBA's) Table of Size Standards with respect to North American Industry Classification System U.S. Industry Sector 52 "Finance and Insurance" defines a small business in this sector by dollar value rather than by number of employees. For example, SBA categories such as "open end investment funds," and "other financial vehicles" are not considered small businesses if their average annual receipts exceed \$40 million. A number of the U.S. investors who have submitted notifications pursuant to the Part 850 Regulations are investment firms or entities that exceed this threshold, as do most investment entities operating in the United States. As a reference point, according to the Investment Company Institute, there were 11,263 U.S. businesses in this

category with net sales of \$1.58 trillion.⁴ Extrapolating from this data, the average net sales per firm in this category would have been \$140.4 million.

Given the applications of technologies and products in these sectors, the Treasury Department believes investments into these sectors involving a person of a *country of concern* is not typical for a small business, as these investor types are treated in the SBA's Table of Size Standards. Importantly, the Proposed Rule would also except certain types of transactions, including certain investments into publicly traded securities or into certain investment funds, as well as *de minimis* transactions where a small business is more likely to consider investing. Given the narrow scoping of what constitutes a *covered national security transaction* under the Proposed Rule, the Treasury Department expects that few small businesses, as that term is defined by SBA, will be impacted by the Proposed Rule.

In the unlikely event that a small entity is subject to the requirements of the Proposed Rule, such entity would be expected to incur the costs described in the separate cost benefit analysis above. For submission of notifications, the Treasury Department has endeavored to develop information gathering procedures that minimize the burden on *U.S. persons*, both large and small. *U.S. persons* who file a notification will use a fillable form that will be available online and is intended to facilitate submission through an electronic format. This fillable form will benefit anyone who submits a notification, regardless of their size, but may be especially helpful for small businesses that will be able to submit directly to the Treasury Department through the online portal.

Notwithstanding this certification, the Treasury Department invites comments from the public about the impact the Proposed Rule would have on small entities. The Proposed Rule will be submitted to the Chief Counsel for the SBA Office of Advocacy for comment on its impact on small business.

Unfunded Mandates Reform Act (UMRA)

Section 202 of UMRA, 2 U.S.C. 1532, requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government,

in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. The Proposed Rule does not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

Executive Order 13132: Federalism

Executive Order 13132 prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the order. The Proposed Rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of Executive Order 13132.

List of Subjects

31 CFR Part 850

Administrative practice and procedure, Artificial intelligence, Business and industry, Confidential business information, Electronic filing, Executive orders, Foreign persons, Hong Kong, Holding companies, Investigations, Investments, Investment companies, Microelectronics, National defense, National security, Macau, Penalties, People's Republic of China, Quantum information technologies, Reporting and recordkeeping requirements, Science and technology, Securities, Semiconductors, U.S. investments abroad.

31 CFR Part 851

Administrative practice and procedure, Artificial intelligence, Biobased products, Biologics, Business and industry, Confidential business information, Computer technology, Democratic People's Republic of Korea, Electronic filing, Foreign persons, High-Performance computing, Hong Kong, Holding companies, Hypersonic systems, Investigations, Investments, Investment companies, Islamic Republic of Iran, Microelectronics, National defense, National security, Macau, Penalties, People's Republic of China, Quantum information technologies, Reporting and recordkeeping requirements, Russian Federation, Science and technology, Scientific equipment, Securities, Semiconductors, Supercomputing, U.S. investments abroad, Venezuela.

For the reasons set out in the preamble, 31 CFR chapter VIII is proposed to be amended as follows:

PART 850—PROVISIONS PERTAINING TO U.S. INVESTMENTS IN CERTAIN NATIONAL SECURITY TECHNOLOGIES AND PRODUCTS IN COUNTRIES OF CONCERN

■ 1. The authority citation for part 850 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 14105, 88 FR 54867, 31 U.S.C. 321.

Subpart A—General

■ 2. Add § 850.105 to read as follows:

§ 850.105 Applicability.

The regulations in this part apply to activities of U.S. persons that occurred on or after January 2, 2025, and prior to [EFFECTIVE DATE OF FINAL RULE].

■ 3. Add part 851, consisting of §§ 851.101 through 851.1104, to read as follows:

PART 851—OUTBOUND INVESTMENT SECURITY PROGRAM REGULATIONS

Subpart A—General

Sec.

- 851.101 Scope.
- 851.102 Relation of this part to other laws and regulations.
- 851.103 Rules of construction and interpretation.
- 851.104 Knowledge standard.

Subpart B—Definitions

- 851.201 Advanced packaging.
- 851.202 Affiliate.
- 851.203 Certification.
- 851.204 Completion date.
- 851.205 Contingent equity interest.
- 851.206 Controlled foreign entity.
- 851.207 Country of concern.
- 851.208 Covered foreign person.
- 851.209 Covered national security transaction.
- 851.210 Develop.
- 851.211 Entity.
- 851.212 Excepted transaction.
- 851.213 Fabricate.
- 851.214 Foreign person.
- 851.215 Hypersonic system.
- 851.216 Intracompany transfer of funds.
- 851.217 Knowledge.
- 851.218 Notifiable technology.
- 851.219 Notifiable transaction.
- 851.220 Package.
- 851.221 Parent.
- 851.222 Party.
- 851.223 Person.
- 851.224 Principal place of business.
- 851.225 Produce.
- 851.226 Prohibited technology.
- 851.227 Prohibited transaction.
- 851.228 Quantum computer.
- 851.229 Relevant Federal departments and agencies.
- 851.230 Secretary.
- 851.231 Subsidiary.

⁴ Investment Company Institute, 2026, *Investment Company Factbook*, Data Tables <https://www.icifactbook.org/26-fb-data-tables.html#sec9>.

- 851.232 Super intelligence (SI) system.
- 851.233 United States.
- 851.234 U.S. person.

Subpart C—Prohibited Transactions and Other Prohibited Activities

- 851.301 Undertaking a prohibited transaction.
- 851.302 Actions of a controlled foreign entity.

Subpart D—Notifiable Transactions and Other Notifiable Activities

- 851.401 Undertaking a notifiable transaction.
- 851.402 Notification of actions of a controlled foreign entity.
- 851.403 Notification of post-transaction knowledge.
- 851.404 Procedures for notifications.
- 851.405 Content of notifications.
- 851.406 Notice of material omission or inaccuracy.

Subpart E—Exceptions and Exemptions

- 851.501 Excepted transaction.
- 851.502 National interest exemption.
- 851.503 Intelligence activities exemption.

Subpart F—Violations

- 851.601 Taking actions prohibited by this part.
- 851.602 Failure to fulfill requirements.
- 851.603 Misrepresentation, concealment, and omission of facts.
- 851.604 Evasions; attempts; causing violations; conspiracies.
- 851.605 Burden of proof.

Subpart G—Penalties and Disclosures

- 851.701 Penalties.
- 851.702 Administrative collection; referral to United States Department of Justice.
- 851.703 Divestment.
- 851.704 Voluntary self-disclosure.

Subpart H—Provision and Handling of Information

- 851.801 Confidentiality.
- 851.802 Language of information.

Subpart I—Non-Binding Feedback

- 851.901 Eligibility to request feedback.
- 851.902 Submission requirements.
- 851.903 Additional information; completeness.
- 851.904 Issuance of non-binding feedback.
- 851.905 Effect of non-binding feedback.
- 851.906 Anonymized public guidance.
- 851.907 Limitations; frivolous feedback requests.
- 851.908 Signature requirement.

Subpart J—Information on Covered Foreign Persons

- 851.1001 Confidential submission of information on covered foreign persons.

Subpart K—Other Provisions

- 851.1101 Delegation of authorities of the Secretary of the Treasury.
- 851.1102 Amendment, modification, or revocation.
- 851.1103 Severability.
- 851.1104 Reports to be furnished on demand.

Authority: 50 U.S.C. 4581–4589; 31 U.S.C. 321.

Subpart A—General

§ 851.101 Scope.

(a) This part implements Title VIII of the Defense Production Act of 1950, as amended (50 U.S.C. 4581–4589) (Title VIII), which directs the Secretary of the Treasury (the Secretary), in consultation with the Secretary of Commerce, the Secretary of State, and, as appropriate, the heads of other relevant Federal departments and agencies (as defined in § 851.229), to issue, subject to public notice and comment, regulations to require a U.S. person to provide written notification on behalf of itself or its controlled foreign entity regarding certain covered national security transactions in any notifiable technology and, where the Secretary has exercised the authority under Title VIII to prohibit certain transactions, to prohibit a U.S. person and its controlled foreign entities from engaging in certain covered national security transactions in any prohibited technology.

(b) This part identifies certain types of transactions that are *covered national security transactions*—which are certain transactions by a U.S. person into or with a *covered foreign person*. Additionally, this part identifies other instances where a U.S. person has obligations with respect to certain transactions. The regulations prescribe exceptions to the definition of *covered national security transaction*. A transaction that meets an exception is not a *covered national security transaction* and is referred to as an *excepted transaction*. Finally, this part:

(1) Exempts any authorized intelligence activities of the United States; and

(2) Prescribes a process to consider exempting certain activities from the definition of a *covered national security transaction* on a case-by-case basis.

(c) This part identifies categories of *covered national security transactions* that are *notifiable transactions*. A *notifiable transaction* is a *covered national security transaction* by a U.S. person or its *controlled foreign entity* with a *covered foreign person* or a relevant joint venture involving a *notifiable technology*. A *notifiable transaction* includes a U.S. person's direction of a transaction that the U.S. person knows would be a *notifiable transaction* if engaged in by a U.S. person (other than an acquisition of a limited partner interest or equivalent in a pooled investment fund that is not a U.S. person). This part requires a U.S. person to notify the Department of the

Treasury of each such *notifiable transaction* by such U.S. person or its *controlled foreign entity*. This part also requires a U.S. person to provide prompt notice to the Department of the Treasury upon acquiring actual knowledge after the *completion date* of a transaction of facts or circumstances that would have caused the transaction to be a *covered national security transaction* if the U.S. person had such knowledge on the *completion date*. Additionally, any person who makes a representation, statement, or certification to the Department of the Treasury under this part is required to promptly notify the Department of the Treasury upon learning of a material omission or inaccuracy in such representation, statement, or certification.

(d) This part identifies categories of *covered national security transactions* that are *prohibited transactions*. A *prohibited transaction* is a *covered national security transaction* by a U.S. person with a *covered foreign person* or relevant joint venture involving a *prohibited technology*. This part prohibits a U.S. person from knowingly engaging in a *prohibited transaction*, which includes a prohibition on a U.S. person's direction of a transaction that the U.S. person knows would be a *prohibited transaction* if engaged in by a U.S. person (other than an acquisition of a limited partner interest or equivalent in a pooled investment fund that is not a U.S. person). This part also requires a U.S. person to take all reasonable steps to prohibit and prevent any transaction by its *controlled foreign entity* that would be a *prohibited transaction* if undertaken by a U.S. person.

(e) This part provides for the imposition of civil penalties for any violation, and the Secretary has the authority to compel divestment of a *covered national security transaction* in a *prohibited technology*. Pursuant to Title VIII, the Secretary also is required to establish a process to identify *covered national security transactions* for which no notification was submitted and for which information is reasonably available.

(f) The Secretary should, as appropriate:

(1) Coordinate with the Secretary of Commerce, the Secretary of State, and the heads of other relevant Federal departments and agencies, to determine whether certain activity is in the national interest of the United States and should be exempted from prohibition;

(2) Consult with the Secretary of Commerce, the Secretary of State, and,

as appropriate, the heads of other relevant Federal departments and agencies, when issuing or updating regulations to implement Title VIII;

(3) Consult with the Secretary of Commerce and, as appropriate, the heads of other relevant Federal departments and agencies, regarding the report required by section 803 of Title VIII;

(4) Consult with the Secretary of Commerce regarding the establishment of a publicly accessible, non-exhaustive database that identifies covered foreign persons that are either engaged in a prohibited technology or a notifiable technology and a mechanism for a covered foreign person to petition for removal or inclusion in such a database; and

(5) Coordinate with the Secretary of State, the Secretary of Commerce, and the heads of other relevant Federal departments and agencies to:

(i) Conduct bilateral and multilateral engagement with allies and partners to promote and increase coordination of protocols and procedures to facilitate the effective implementation of and appropriate compliance with the prohibition and notification requirement pursuant to Title VIII;

(ii) Work with allies and partners to establish mechanisms for information sharing; and

(iii) Work with and encourage allies and partners to develop outbound investment screening mechanisms to prevent the development of prohibited technologies by countries of concern.

§ 851.102 Relation of this part to other laws and regulations.

(a) Nothing in this part may be construed to alter, affect, or negate any other authority, process, regulation, investigation, enforcement measure, license, authorization, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*), or any other authority of the President or the Congress under the Constitution of the United States. This part is separate from, and independent of, the other parts of this subtitle. Differing foreign policy and national security circumstances may result in differing interpretations of the same or similar language among the separate parts of this subtitle. No action taken pursuant to any other provision of law or regulation, including the other parts of this subtitle, authorizes any transaction prohibited by this part or alters any other obligation under this part. No action taken pursuant to this part

relieves any party from complying with any other applicable laws or regulations.

(b) The regulations in this part apply from [EFFECTIVE DATE OF FINAL RULE].

(c) For any activities of a U.S. person to which part 850 of this chapter was applicable on or after January 2, 2025, and prior to [EFFECTIVE DATE OF FINAL RULE], the regulations in part 850 of this chapter will continue to apply.

§ 851.103 Rules of construction and interpretation.

(a) As used in this part, the term “including” (or variations such as “include”) means “including but not limited to.”

(b) Any term in the singular includes the plural, and the plural includes the singular, if such use would be appropriate.

(c) Section headings are included for convenience of reference only and shall not affect the interpretation of this part.

§ 851.104 Knowledge standard.

(a) Certain provisions of this part apply only if a U.S. person *knows* of a fact or circumstance. The term *knowledge* is defined in § 851.217. In determining whether a U.S. person is complying with this part or has violated any obligation under this part, the Department of the Treasury will assess whether such person has or had knowledge of the relevant facts and circumstances at the specified time.

(b) Such assessment as to whether, at the time of a given transaction, a U.S. person has or had knowledge of a given fact or circumstance will be made based on information a U.S. person had or could have had through a reasonable and diligent inquiry. A U.S. person that has failed to conduct a reasonable and diligent inquiry by the time of a given transaction may be assessed to have had reason to know of a given fact or circumstance, including facts or circumstances that would cause the transaction to be a covered national security transaction in a notifiable technology or a prohibited technology.

(c) In assessing whether a U.S. person has undertaken such a reasonable and diligent inquiry, the Department of the Treasury’s considerations will include the following, as applicable, among others that the Department of the Treasury deems relevant, with respect to a particular transaction:

(1) The inquiry a U.S. person has made regarding an investment target or other relevant party, including questions asked of the investment target or relevant party, as of the time of the transaction;

(2) The contractual representations or warranties the U.S. person has obtained or attempted to obtain from the investment target or other relevant party with respect to the determination of a transaction’s status as a covered national security transaction in a notifiable technology or a prohibited technology and the status of an investment target or other relevant party as a covered foreign person;

(3) The efforts by the U.S. person as of the time of the transaction to obtain and consider available non-public information relevant to the determination of a transaction’s status as a covered national security transaction in a notifiable technology or prohibited technology and the status of an investment target or other relevant party as a covered foreign person;

(4) Available public information, the efforts undertaken by the U.S. person to obtain and consider such information, and the degree to which other information available to the U.S. person as of the time of the transaction is consistent or inconsistent with such publicly available information;

(5) Whether the U.S. person purposefully avoided learning or seeking relevant information;

(6) The presence or absence of warning signs, which may include evasive responses or non-responses from an investment target or other relevant party to questions or a refusal to provide information, contractual representations, or warranties;

(7) The use of available public and commercial databases to identify and verify relevant information of an investment target or other relevant party; and

(8) Whether the U.S. person appropriately considered any information made available by the Department of the Treasury prior to the completion of the transaction, including any assessments by the Department of the Treasury that the relevant covered foreign person may be engaged in a notifiable technology or a prohibited technology.

(d) An assessment of whether a U.S. person has undertaken a reasonable and diligent inquiry shall be based on a consideration of the totality of relevant facts and circumstances.

(e) Paragraphs (a) through (d) of this section shall also apply to the *knowledge* of a controlled foreign entity for the purposes of applying §§ 851.402 and 851.403.

Subpart B—Definitions**§ 851.201 Advanced packaging.**

The term *advanced packaging* means to package integrated circuits in a manner that supports the two-and-one-half-dimensional (2.5D) or three-dimensional (3D) assembly of integrated circuits, such as by directly attaching one or more die or wafer using through-silicon vias, die or wafer bonding, heterogeneous integration, or other advanced methods and materials.

§ 851.202 Affiliate.

The term *affiliate* means, in the context of a transaction or activity covered under this part, a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a person subject to this part.

§ 851.203 Certification.

(a) The term *certification* means a written statement signed by the chief executive officer or other duly authorized designee of the person filing a notification or providing other information that certifies under the penalties provided in the False Statements Accountability Act of 1996, as amended (18 U.S.C. 1001), that the notification or other information filed or provided:

- (1) Fully complies with the regulations in this part; and
- (2) Is accurate and complete in all material respects to the best knowledge of the person filing a notification or other information.

(b) For purposes of this section, a duly authorized designee is:

- (1) In the case of a partnership, any general partner thereof;
- (2) In the case of a corporation, any officer thereof; and
- (3) In the case of any entity lacking partners and officers, any individual within the organization exercising executive functions similar to those of a general partner of a partnership or an officer of a corporation or otherwise authorized by the board of directors or equivalent to provide such certification.

(c) In each case described in paragraph (b) of this section, such designee must possess actual authority to make the certification on behalf of the person filing a notification or other information.

Note 1 to § 851.203: A template for certifications may be found at the Department of the Treasury's Outbound Investment Security Program website.

§ 851.204 Completion date.

The term *completion date* means:

(a) With respect to a covered national security transaction other than under § 851.209(a)(7), the earliest date upon which any interest, asset, property, or right is conveyed, assigned, delivered, or otherwise transferred to a U.S. person, or as applicable, its controlled foreign entity; or

(b) With respect to a covered national security transaction under § 851.209(a)(7), the earliest date upon which any interest, asset, property, or right in the relevant covered foreign person is conveyed, assigned, delivered, or otherwise transferred to the applicable fund.

§ 851.205 Contingent equity interest.

The term *contingent equity interest* means a financial interest (including debt) that currently does not constitute an equity interest but is convertible into, or provides the right to acquire, an equity interest upon the occurrence of a contingency or defined event or at the discretion of the U.S. person that holds the financial interest.

§ 851.206 Controlled foreign entity.

(a) The term *controlled foreign entity* means any entity incorporated in, or otherwise organized under the laws of, a country other than the United States of which a U.S. person is a parent.

(b) For purposes of the term *controlled foreign entity*, the following rules shall apply in determining whether an entity is a parent of another entity in a tiered ownership structure:

(1) Where the relationship between an entity and another entity is that of parent and subsidiary, the holdings of voting interest or voting power of the board, as applicable, of a subsidiary shall be fully attributed to the parent.

(2) Where the relationship between an entity and another entity is not that of parent and subsidiary (*i.e.*, because the holdings of voting interest or voting power of the board, as applicable, of the first entity in the second entity is 50 percent or less), then the indirect downstream holdings of voting interest or voting power of the board, as applicable, attributed to the first entity shall be determined proportionately.

(3) Where the circumstances in paragraphs (b)(1) and (2) of this section apply (*i.e.*, because a U.S. person holds both direct and indirect downstream holdings in the same entity), any holdings of voting interest shall be aggregated for the purposes of applying the definition in this section, and any holdings of voting power of the board shall be aggregated for the purposes of applying the definition in this section. Voting interest shall not be aggregated with voting power of the board for the

purposes of applying the definition in this section.

§ 851.207 Country of concern.

The term *country of concern* means any of the following:

- (a) The People's Republic of China, including the Hong Kong and Macau Special Administrative Regions;
- (b) The Republic of Cuba;
- (c) The Islamic Republic of Iran;
- (d) The Democratic People's Republic of Korea;
- (e) The Russian Federation; and
- (f) The Bolivarian Republic of Venezuela under the regime of Nicolás Maduro Moros.

§ 851.208 Covered foreign person.

(a) The term *covered foreign person* means a foreign person that:

- (1) Is an individual that:
 - (i) Is a citizen or permanent resident of a country of concern;
 - (ii) Is not a U.S. citizen; and
 - (iii) Is not a permanent resident of the United States;
- (2) Is an entity incorporated in, has a principal place of business in, or is otherwise organized under the laws of a country of concern;
- (3) Is an individual that is a member of the Central Committee of the Chinese Communist Party or is otherwise a member of the political leadership of a country of concern;
- (4) Is the government of a country of concern, including any political subdivision, political party, agency, or instrumentality thereof, or any person acting for or on behalf of the government of a country of concern;
- (5) Is an entity owned in the aggregate, directly or indirectly, 50 percent or more, in terms of outstanding voting interest, voting power of the board, or equity interest, by a foreign person meeting the criteria of paragraphs (a)(1) through (4) of this section;
- (6) Is an entity directly or indirectly subject to the direction or control of a foreign person meeting the criteria of paragraphs (a)(1) through (4) of this section;
- (7) Is an entity in which one or more foreign persons meeting the criteria of paragraph (a)(5) or (6) of this section, individually or in the aggregate, directly or indirectly, holds at least 50 percent of any of the following interests of such entity: outstanding voting interest, voting power of the board, or equity interest; or
- (8) Is an entity that directly or indirectly holds a board seat on, a voting or equity interest (other than through securities or interests that would satisfy the conditions in

§ 851.501(a) if held by a U.S. person) in, or any contractual power to direct or cause the direction of the management or policies of any person or persons meeting the criteria of paragraphs (a)(1) through (7) of this section that engage(s) in a notifiable technology or prohibited technology and from or through which it:

(i) Derives more than 50 percent of its revenue individually, or as aggregated across such persons from each of which it derives at least \$50,000 (or equivalent) of its revenue, on an annual basis;

(ii) Derives more than 50 percent of its net income individually, or as aggregated across such persons from each of which it derives at least \$50,000 (or equivalent) of its net income, on an annual basis;

(iii) Incurs more than 50 percent of its capital expenditure individually, or as aggregated across such persons from each of which it incurs at least \$50,000 (or equivalent) of its capital expenditure, on an annual basis; or

(iv) Incurs more than 50 percent of its operating expenses individually, or as aggregated across such persons from each of which it incurs at least \$50,000 (or equivalent) of its operating expenses, on an annual basis.

(b) As used in paragraph (a)(6) of this section, *subject to the direction or control* means that the government of a country of concern (including any political subdivision, political party, agency, or instrumentality thereof, or any person acting for or on behalf of the government of a country of concern), the individual described in paragraph (a)(1) or (3) of this section, or entity described in paragraph (a)(2) of this section has the power, directly or indirectly, to direct or cause the direction of the management or policies of such entity (whether through the ownership of voting securities, by contract, or otherwise).

(c) For purposes of paragraph (a)(8) of this section:

(1) Calculations shall be based on an audited financial statement from the most recent year. If an audited financial statement is not available, the most recent unaudited financial statement shall be used instead. If no financial statement is available, an independent appraisal shall be used instead. If no independent appraisal is available, a good-faith estimate shall be used instead.

(2) Where an amount is not denominated in U.S. dollars, the U.S. dollar equivalent shall be determined based on the most recent published rate of exchange available on the Department of the Treasury's website.

(d) References in paragraph (a)(8) of this section to revenue, net income, capital expenditure, or operating expenses refer to overall revenue, net income, capital expenditure, or operating expenses, as applicable, without subtracting amounts attributable to persons described in paragraph (a) of this section of less than \$50,000 (or equivalent).

§ 851.209 Covered national security transaction.

(a) The term *covered national security transaction* means a U.S. person's direct or indirect:

(1) Acquisition of an equity interest or contingent equity interest in a covered foreign person that the U.S. person knows at the time of the acquisition is a covered foreign person that engages in a notifiable technology or a prohibited technology or that meets the conditions set forth under § 851.208(a)(8);

(2) Provision of a loan or a similar debt financing arrangement to a covered foreign person that the U.S. person knows at the time of the provision is a covered foreign person that engages in a notifiable technology or a prohibited technology or that meets the conditions set forth under § 851.208(a)(8), where such debt financing affords or will afford the U.S. person an interest in profits of the covered foreign person, the right to appoint members of the board of directors (or equivalent) of the covered foreign person, or other comparable financial or governance rights characteristic of an equity investment but not typical of a loan; *provided*:

(i) Neither the issuance of a secured loan or similar debt financing for which equity is pledged as collateral, nor the acquisition of such secured debt on the secondary market, is an acquisition of an equity interest; and

(ii) Foreclosure on collateral where the debtholder takes possession of the pledged equity is an acquisition of an equity interest; *provided that* such an acquisition is not a covered national security transaction where the equity was pledged prior to [EFFECTIVE DATE OF FINAL RULE], or where the U.S. person did not know at the time of issuing or acquiring the debt that the pledged equity was in a covered foreign person that engages in a notifiable technology or prohibited technology;

(3) Entrance into a joint venture, wherever located, that is formed with a covered foreign person, and that the U.S. person knows at the time of entrance into the joint venture that the joint venture will engage, or plans to engage, in a notifiable technology or a prohibited technology;

(4) Conversion of a contingent equity interest (or interest equivalent to a contingent equity interest) or conversion of debt to an equity interest in a covered foreign person that the U.S. person knows at the time of the conversion is a covered foreign person that engages in a notifiable technology or prohibited technology or that meets the conditions set forth under § 851.208(a)(8), where the contingent equity interest (or equivalent) or debt was acquired by the U.S. person on or after [EFFECTIVE DATE OF FINAL RULE];

(5) Acquisition, leasing, or other development of operations, land, property, or other assets in a country of concern that the U.S. person knows at the time of such acquisition, leasing, or other development will result in, or that the U.S. person plans to result in:

(i) The establishment of a covered foreign person that engages in a notifiable technology or prohibited technology; or

(ii) The engagement of a covered foreign person in a prohibited technology or notifiable technology;

(6) Direction of a transaction by a foreign person that the U.S. person knows at the time of the transaction would constitute a transaction described in paragraph (a)(1), (2), (3), (4), or (5) of this section, if engaged in by a U.S. person; *provided*:

(i) The U.S. person has authority, individually or as part of a group, to make or substantially participate in decisions on behalf of a foreign person (including being an officer or director of, or otherwise possessing executive responsibilities with respect to, the foreign person) and, individually or as part of a group, exercises that authority to, direct, order, decide upon, or approve a transaction that the U.S. person knows would be a covered national security transaction if engaged in by a U.S. person.

(ii) A U.S. person that recuses from the following activities will not be considered to have directed a covered national security transaction under this paragraph (a)(6):

(A) Participating in approval and decision-making processes related to the transaction, including making a recommendation;

(B) Reviewing, editing, commenting on, approving, and signing relevant transaction documents; and

(C) Engaging in negotiations with the investment target (or, as applicable, the relevant transaction counterparty, such as a joint venture partner); or

(7) Acquisition of a limited partner or equivalent interest in a venture capital fund, private equity fund, fund of funds, or other pooled investment fund (in

each case where the fund is not a U.S. person) that the U.S. person knows at the time of the acquisition likely will invest in a covered foreign person that is in the semiconductor technology and microelectronics, super intelligence systems, quantum information technologies, hypersonic systems, high-performance computing and supercomputing, or biotechnology sectors, and such fund undertakes a transaction that would be a covered national security transaction if undertaken by a U.S. person.

(b) Notwithstanding paragraph (a) of this section, a transaction is not a covered national security transaction if it is an excepted transaction as set forth in § 851.501.

(c) The acquisition of a contingent interest described in paragraph (a)(1) of this section may constitute a covered national security transaction, and the subsequent occurrence of a conversion event described in paragraph (a)(4) of this section may constitute a separate covered national security transaction. A U.S. person should assess each of the acquisition and the conversion to determine the applicability of this part.

(d) An indirect covered national security transaction in a notifiable technology or prohibited technology includes a U.S. person's use of an intermediary to engage in a transaction that would be a covered national security transaction if engaged in directly by a U.S. person.

(e) For purposes of paragraph (a)(1) of this section, a U.S. person is not considered to have acquired an indirect equity interest or contingent equity interest in a covered foreign person when the U.S. person acquires a limited partner or equivalent interest in a venture capital fund, private equity fund, fund of funds, or other pooled investment fund and that fund then acquires an equity interest or contingent equity interest in a covered foreign person. (A U.S. person's acquisition of a limited partner or equivalent interest in a non-U.S. person venture capital fund, private equity fund, fund of funds, or other pooled investment fund may, however, be a covered national security transaction under paragraph (a)(7) of this section.)

§ 851.210 Develop.

Except as used in § 851.209(a)(5), the term *develop* means to:

(a) Engage, including through or in collaboration with any affiliates, in any stages prior to serial production, such as design or substantive modification; design research; design analyses; design concepts; assembly and testing of prototypes; pilot production schemes;

design data; transforming design data, blueprints, schema, or other plans into a product; configuration design; integration design; and layouts; and

(b) Provide high-level oversight, direction, approval, conceptual input, or strategic planning in connection with any stage prior to serial production.

§ 851.211 Entity.

The term *entity* means any branch, partnership, association, estate, joint venture, trust, corporation or division of a corporation, group, sub-group, or other organization (whether or not organized under the laws of any State of the United States or foreign state).

§ 851.212 Excepted transaction.

The term *excepted transaction* means a transaction that meets the criteria in § 851.501.

§ 851.213 Fabricate.

The term *fabricate* means to form devices such as transistors, poly capacitors, non-metal resistors, and diodes on a wafer of semiconductor material.

§ 851.214 Foreign person.

The term *foreign person* means:

(a) A person that is not:

(1) A United States citizen or alien lawfully admitted for permanent residence to the United States; or

(2) An entity organized under the laws of the United States or of any jurisdiction within the United States, including any foreign branch of any such entity; *except that*:

(b) For the purposes of § 851.208(a)(5) through (8), the term *foreign person* means any person.

§ 851.215 Hypersonic system.

The term *hypersonic system* means a vehicle or weapon delivery system capable of sustained atmospheric or very low Earth orbit flight at speeds of Mach 5 or greater, including hypersonic glide vehicles, hypersonic cruise missiles, hypersonic air-launched or aero-ballistic missiles, maneuvering reentry vehicles, and reusable hypersonic vehicles.

§ 851.216 Intracompany transfer of funds.

An *intracompany transfer of funds* means the provision of cash or credit by a U.S. person parent to:

(a) Support operations of a controlled foreign entity which operations are not in a notifiable technology or a prohibited technology; or

(b) Maintain operations of a controlled foreign entity which operations are in a notifiable technology or prohibited technology that the controlled foreign entity was engaged in

prior to [EFFECTIVE DATE OF FINAL RULE].

§ 851.217 Knowledge.

Knowledge of a fact or circumstance (the term may be a variant, such as “know”) means:

(a) Actual knowledge that a fact or circumstance exists or is substantially certain to occur;

(b) An awareness of a high probability of a fact or circumstance's existence or future occurrence; or

(c) Reason to know of a fact or circumstance's existence.

Note 1 to § 851.217: See the discussion of the knowledge standard in § 851.104 for more information about how this term is applied in this part.

§ 851.218 Notifiable technology.

The term *notifiable technology* means the:

(a) Design of any integrated circuit that is not described in § 851.226(c);

(b) Fabrication of any integrated circuit that is not described in § 851.226(d);

(c) Development or production of any integrated circuit that is not described in § 851.226(e);

(d) Packaging of any integrated circuit that is not described in § 851.226(f);

(e) Development or production of equipment not described in § 851.226(b) that is designed or intended for use in the design, fabrication, or packaging of any integrated circuit;

(f) Development or production of high bandwidth, low latency interconnects for high-performance computing, including interconnects for system-on-chip, system-in-package, scale-up networks, and scale-out networks; or

(g) Development or production of any of the following technologies when capable of use in or for a hypersonic system or its components:

(1) Sensor, guidance, navigation, or control equipment or systems;

(2) Software for research, modeling and simulation, analysis, or testing not described in § 851.226(q); or

(3) Metals, alloys, composites, ceramics, coatings, or other materials not described in § 851.226(o).

§ 851.219 Notifiable transaction.

The term *notifiable transaction* means a covered national security transaction (that is not a prohibited transaction) in which the relevant covered foreign person or, with respect to a covered national security transaction described in § 851.209(a)(3), the relevant joint venture:

(a) Engages in a notifiable technology; or

(b) Meets the conditions set forth in § 851.208(a)(8) because of its

relationship to one or more covered foreign persons that engage(s) in a notifiable technology.

§ 851.220 Package.

The term *package* means to assemble various components, such as the integrated circuit die, lead frames, interconnects, and substrate materials to safeguard the semiconductor device and provide electrical connections between different parts of the die.

§ 851.221 Parent.

(a) The term *parent* means, with respect to an entity:

(1) A person that directly or indirectly holds more than 50 percent of:

(i) The outstanding voting interest in the entity; or

(ii) The voting power of the board of the entity;

(2) The general partner, managing member, or equivalent of the entity; or

(3) The investment adviser to any entity that is a pooled investment fund, with “investment adviser” as defined in the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)).

(b) Any entity that meets the conditions of paragraph (a)(1), (2), or (3) of this section with respect to another entity is the parent, even if the parent entity is an intermediate entity and not the ultimate parent.

§ 851.222 Party.

The term *party*, in the context of a covered national security transaction, means:

(a) Any U.S. person relevant to the covered national security transaction, including the parent to an entity undertaking the transaction;

(b) Any covered foreign person relevant to the covered national security transaction; and

(c) Any foreign person relevant to the covered national security transaction, including when such foreign person is a controlled foreign entity.

§ 851.223 Person.

The term *person* means any:

(a) Individual;

(b) Entity;

(c) Legal successor or representative of persons meeting the criteria of paragraph (a) or (b) of this section; or

(d) State of the United States, foreign state, or local government or agency thereof.

§ 851.224 Principal place of business.

The term *principal place of business* means any of:

(a) The location of an entity's headquarters;

(b) The location where an entity conducts its main business activities;

(c) The primary location where an entity's management directs, controls, or coordinates the entity's activities; or

(d) In the case of an investment fund, where the fund's activities are primarily directed, controlled, or coordinated by or on behalf of the general partner, managing member, or equivalent.

Note 1 to § 851.224: An entity may have more than one principal place of business, as such term is defined in this section.

§ 851.225 Produce.

The term *produce* means to engage in any of the post-development stages of realizing the relevant technology or product, such as engineering, manufacture, integration, assembly, inspection, testing, and quality assurance.

§ 851.226 Prohibited technology.

The term *prohibited technology* means the:

(a) Development or production of any electronic design automation software for the design of integrated circuits or advanced packaging;

(b) Development or production of any:

(1) Front-end semiconductor fabrication equipment designed for performing the volume fabrication of integrated circuits, including equipment used in the production stages from a blank wafer or substrate to a completed wafer or substrate (*i.e.*, the integrated circuits are processed but they are still on the wafer or substrate);

(2) Equipment for performing volume advanced packaging; or

(3) Commodity, material, software, or technology designed or intended for use in or with deep ultraviolet lithography fabrication equipment or extreme ultraviolet lithography fabrication equipment;

(c) Design of any integrated circuit that meets or exceeds the performance parameters in Export Control Classification Number 3A090.a in supplement no. 1 to 15 CFR part 774, or any integrated circuit designed for operation at or below 4.5 Kelvin;

(d) Fabrication of any:

(1) Logic integrated circuit using a non-planar transistor architecture or with a production technology node of 16/14 nanometers or less, including any fully depleted silicon-on-insulator (FDSOI) integrated circuit;

(2) NOT-AND (NAND) memory integrated circuit with 128 layers or more;

(3) Dynamic random-access memory (DRAM) integrated circuit having:

(i) A memory cell area of less than $0.0026 \mu\text{m}^2$;

(ii) A memory density greater than 0.20 gigabits per square millimeter; or

(iii) More than 3000 through-silicon vias per die;

(4) Integrated circuit using graphene transistors or carbon nanotubes; or

(5) Integrated circuit designed for operation at or below 4.5 Kelvin;

(e) Development or production of any:

(1) Integrated circuit manufactured from silicon carbide or a gallium-based compound semiconductor, III-V compound semiconductor, or ultrawide bandgap semiconductor;

(2) Integrated circuit designed to, or rated radiation hardened to, withstand any of the following:

(i) A total dose of 5×10^3 Gy (Si), or higher;

(ii) A dose rate upset of 5×10^6 Gy (Si)/s, or higher; or

(iii) A fluence (integrated flux) of neutrons (1 MeV equivalent) of 5×10^{13} n/cm² or higher on silicon, or its equivalent for other materials; or

(3) Photonic integrated circuit, including development of optical components, co-packaged optics, or silicon-photonics integration;

(f) Packaging of any integrated circuit using advanced packaging techniques;

(g) Development or production of high-bandwidth memory with a memory bandwidth density greater than 2 gigabytes per second per square millimeter;

(h) Development of any SI system; *provided that:*

(1) Where an SI system as defined at § 851.232(b) operates in whole or in part using an SI system as defined at § 851.232(a), the latter of which is sourced from a third party, the relevant covered foreign person or joint venture develops such SI system when it enhances or extends the capability of such third-party system. For example, developing an agentic harness layer with a third-party SI model enhances and extends the capability of the third-party model by enabling autonomous execution of action loops; managing memory and context; or using intermediate or hidden reasoning or self-correction, among other functions, to solve complex tasks and format feedback prior to producing user-facing outputs; and

(2) Use of an off-the-shelf third-party SI system strictly for internal, non-commercial purposes (including the customization, configuration, or fine-tuning of a third-party SI model or machine-based system strictly for internal, non-commercial use (*e.g.*, not for sale or licensing)) does not constitute development of an SI system solely on that basis;

(i) Development of a quantum computer or production of any of the critical components required to produce

or operate a quantum computer (such as a dilution refrigerator or two-stage pulse tube cryocooler), or development of software for the purpose of designing, simulating, testing, or controlling a quantum computer, or for identifying, implementing, costing, or optimizing algorithms and applications for a quantum computer;

(j) Development of any algorithm or application for quantum information science technologies;

(k) Development or production of any quantum sensing platform designed for, or that the relevant covered foreign person intends to be used for, any military, government intelligence, or mass-surveillance end use;

(l) Development or production of any quantum network or quantum communication system designed for, or that the relevant covered foreign person intends to be used for:

(1) Networking to scale up the capabilities of any quantum computer, such as for the purposes of breaking or compromising encryption;

(2) Secure communications, such as quantum key distribution; or

(3) Any other application that has any military, government intelligence, or mass-surveillance end use;

(m) Development, installation, sale, or production of any supercomputer enabled by advanced integrated circuits that can provide a theoretical compute capacity of 100 or more double-precision (64-bit) petaflops or 200 or more single-precision (32-bit) petaflops of processing power within a 41,600 cubic foot or smaller envelope, or components designed for enabling any of such capabilities of a supercomputer;

(n) Development or production of any:

(1) Hypersonic system; or

(2) Propulsion system capable of enabling hypersonic flight, including rocket-based propulsion, hypersonic airbreathing propulsion such as ramjets and scramjets, and combined cycle propulsion, or fuels or propellants for hypersonic propulsion systems;

(o) Development or production of any of the following materials designed for, or that the covered foreign person intends to be used for, a hypersonic system:

(1) Refractory metals or alloys;

(2) Refractory or ultra-high temperature ceramics, or ultra-high temperature ceramic matrix composites;

(3) Carbon-carbon or carbon-matrix composites; or

(4) Stealth coatings or other materials designed to minimize external observation of a hypersonic system, such as spectral or multispectral absorption materials;

(p) Development or operation of specialized infrastructure or a facility

capable of testing a hypersonic system, including hypersonic arc jet facilities, wind tunnels, and ground test beds;

(q) Development of:

(1) Digital twin technology for modeling and simulation of, monitoring, or optimizing a hypersonic system; or

(2) Digital thread technology that collects, manages, or represents the data flows related to a hypersonic system;

(r) Development, engineering, or use of a biological system—or any component of a biological system—to modify, enhance, produce, or control any of the following compounds or materials:

(1) An agent or toxin restricted in 7 CFR part 331, 9 CFR part 121, 42 CFR part 73, 22 CFR part 121, or 15 CFR part 774, or novel agents or toxins that are capable of causing death, disease, or other biological malfunction in a living organism; deterioration of food, water, equipment, supplies, or material; or deleterious alteration of the environment;

(2) An energetic precursor or energetic material, including propellants, explosives, and pyrotechnics;

(3) A novel or high-performance functional material, *i.e.*, a bio-derived product that exhibits novel or enhanced properties, such as an adaptive or protective coating, bio-cement or other material for agile infrastructure, material capable of self-repair or self-assembly, and a biosensor;

(4) A pharmaceutical compound, including, small molecules, polymers, vaccines, blood and blood components, allergenics, cell and gene therapies, and monoclonal antibodies or other recombinant therapeutic proteins, as well as their delivery mechanisms; or

(5) A biofuel, *i.e.*, fuel made or derived from a bio-based feedstock;

(s) Development or production of brain computer interfaces, including invasive, partially invasive, non-invasive, and hybrid systems that enable interaction between the brain and its environment, as well as associated software;

(t) Development, construction, or production of biomanufacturing equipment, including components and associated software or technology and as identified in Export Control Classification Numbers 2B352, 2D352, or 2E001, in supplement no. 1 to 15 CFR part 774;

(u) Development or production of the following technology or equipment, including components and associated software:

(1) Biological sequencing technology, including short-read or long-read sequencing;

(2) Flow cytometers and cell sorters that are designed for spectral analysis or that contain 26 or greater detectors or channels;

(3) Liquid chromatography mass spectrometry instruments designed for top-down proteomic analysis;

(4) Computational or bioinformatics tools for research, design, optimization, modeling and simulation, discovery, or assessment of biological systems or processes; and

(5) Hardware, robotics, or software for automated scientific discovery or experimentation, including laboratory automation or cloud lab infrastructure; or

(v) Engagement in a notifiable technology by a covered foreign person, or, with respect to a covered national security transaction described in § 851.209(a)(3), the relevant joint venture, where such covered foreign person or joint venture is, or any of its affiliates or subsidiaries are:

(1) Included on the Bureau of Industry and Security's Entity List (15 CFR part 744, supplement no. 4);

(2) Included on the Bureau of Industry and Security's Military End User List (15 CFR part 744, supplement no. 7);

(3) Defined as a "Military Intelligence End-User" by the Bureau of Industry and Security in 15 CFR 744.22(f)(2);

(4) Included on the Department of the Treasury's list of Specially Designated Nationals and Blocked Persons (SDN List), or is an entity in which one or more individuals or entities included on the SDN List, individually or in the aggregate, directly or indirectly, own a 50 percent or greater interest;

(5) Included on the Department of the Treasury's list of Non-SDN Chinese Military-Industrial Complex Companies (NS-CMIC List);

(6) Included on the Department of War's list of Chinese military companies in accordance with section 1260H of the National Defense Authorization Act for Fiscal Year 2021 including subsequent amendments;

(7) Included on the Office of Management and Budget's list of biotechnology companies of concern in accordance with the BIOSECURE Act, section 851 of the National Defense Authorization Act for Fiscal Year 2026; or

(8) Designated as a foreign terrorist organization by the Secretary of State under 8 U.S.C. 1189.

§ 851.227 Prohibited transaction.

The term *prohibited transaction* means a covered national security transaction in which the relevant covered foreign person or, with respect to a covered national security

transaction described in § 851.209(a)(3), the relevant joint venture:

(a) Engages in a prohibited technology; or

(b) Meets the conditions set forth in § 851.208(a)(8) because of its relationship to one or more covered foreign persons that engage(s) in a prohibited technology described in § 851.226(a) through (u).

§ 851.228 Quantum computer.

The term *quantum computer* means a computer that performs computations that harness the collective properties of quantum states, such as superposition, interference, or entanglement.

§ 851.229 Relevant Federal departments and agencies.

The term *relevant Federal departments and agencies* means the Departments of State, War, Commerce, and Energy, the Office of the Director of National Intelligence, the Office of the United States Trade Representative, the Office of Science and Technology Policy, and any other department, agency, or office the Secretary determines appropriate.

§ 851.230 Secretary.

Except as otherwise provided, the term *Secretary* means the Secretary of the Treasury.

§ 851.231 Subsidiary.

The term *subsidiary* means, with respect to a person, an entity of which such person is a parent.

§ 851.232 Super intelligence (SI) system.

The term *super intelligence (SI) system* means:

(a) A machine-based system that can, for a given set of human-defined objectives, generate content or make predictions, recommendations, or decisions influencing real or virtual environments, *i.e.*, a system that:

(1) Uses data inputs to perceive real or virtual environments;

(2) Abstracts such perceptions into models through automated or algorithmic statistical analysis; and

(3) Uses model inference to generate content or make a classification, prediction, recommendation, or decision.

(b) Any data system, software, hardware, application, tool, or utility that operates in whole or in part using an SI system defined in paragraph (a) of this section, including an SI agent harness and an embodied SI or physical SI system (*e.g.*, SI-enabled: industrial robots, bipedal or humanoid robots, quadruped robots, other mobile robots, autonomous vehicles, and unmanned systems).

§ 851.233 United States.

The term *United States* or *U.S.* means the United States of America, the States of the United States of America, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States of America, or any subdivision of the foregoing, and includes the territorial sea of the United States of America. For purposes of this part, an entity organized under the laws of the United States of America, one of the States, the District of Columbia, or a commonwealth, territory, dependency, or possession of the United States is an entity organized “in the United States.”

§ 851.234 U.S. person.

The term *U.S. person* means:

(a) Any United States citizen or an alien lawfully admitted for permanent residence to the United States;

(b) Any entity organized under the laws of the United States or of any jurisdiction within the United States, including any foreign branch of any such entity; or

(c) Any person in the United States.

Subpart C—Prohibited Transactions and Other Prohibited Activities

§ 851.301 Undertaking a prohibited transaction.

A U.S. person may not engage in a prohibited transaction unless an exemption for that transaction has been granted under § 851.502 or the transaction qualifies for the exemption under § 851.503.

§ 851.302 Actions of a controlled foreign entity.

(a) A U.S. person shall take all reasonable steps to prohibit and prevent any transaction by its controlled foreign entity that would be a prohibited transaction if engaged in by a U.S. person.

(b) If a controlled foreign entity engages in a transaction that would be a prohibited transaction if engaged in by a U.S. person, in determining whether the relevant U.S. person took all reasonable steps to prohibit and prevent such transaction, the Department of the Treasury will consider, among other factors, any of the following with respect to a U.S. person and its controlled foreign entity:

(1) The execution of agreements with respect to compliance with the regulations in this part between the subject U.S. person and its controlled foreign entity;

(2) The existence and exercise of governance or shareholder rights by the U.S. person with respect to the

controlled foreign entity, where applicable;

(3) The existence and implementation of periodic training and internal reporting requirements by the U.S. person and its controlled foreign entity with respect to compliance with the regulations in this part;

(4) The implementation of appropriate and documented internal controls, including internal policies, procedures, or guidelines that are periodically reviewed internally, by the U.S. person and its controlled foreign entity; and

(5) Implementation of a documented testing and/or auditing process of internal controls, policies, procedures, or guidelines.

Note 1 to § 851.302: Findings of violations of this section and decisions related to enforcement and penalties will be made based on a consideration of the totality of relevant facts and circumstances, including whether the U.S. person has taken the steps described in paragraph (b) of this section and whether such steps were reasonable in light of the relevant facts and circumstances.

Subpart D—Notifiable Transactions and Other Notifiable Activities

§ 851.401 Undertaking a notifiable transaction.

A U.S. person that engages in a notifiable transaction shall file a notification of that transaction with the Department of the Treasury pursuant to § 851.404.

§ 851.402 Notification of actions of a controlled foreign entity.

A U.S. person shall file a notification with the Department of the Treasury pursuant to § 851.404 with respect to any transaction undertaken by a controlled foreign entity of the U.S. person that the controlled foreign entity or the U.S. person knew at the time of the transaction would be a notifiable transaction if engaged in by a U.S. person.

§ 851.403 Notification of post-transaction knowledge.

If a U.S. person or its controlled foreign entity acquires actual knowledge after the completion date of a transaction of a fact or circumstance such that the transaction would have been a notifiable transaction or prohibited transaction if such knowledge had been possessed by the relevant U.S. person at the time of the transaction, then the relevant U.S. person shall promptly, and in no event later than 30 calendar days following the acquisition of such knowledge, submit a notification pursuant to § 851.404.

Note 1 to § 851.403: A U.S. person's submission of a notification pursuant to this section shall not preclude a finding by the Department of the Treasury that the U.S. person or its controlled foreign entity had knowledge of the relevant facts and circumstances regarding the transaction's status as a notifiable transaction or prohibited transaction at the time of the transaction.

§ 851.404 Procedures for notifications.

(a) A U.S. person that has an obligation under § 851.401, § 851.402, or § 851.403 shall file an electronic copy of the notification of the transaction with the Department of the Treasury including the information set out in § 851.405 and a certification referred to in § 851.203. The U.S. person shall follow the electronic filing instructions posted on the Department of the Treasury's Outbound Investment Security Program website. No communications or submissions other than those described in this section shall constitute the filing of a notification for purposes of this part.

(b) The Department of the Treasury may contact a U.S. person that has filed a notification with questions or document requests (including questions or document requests made on behalf of other relevant Federal departments or agencies) related to the transaction or compliance with the regulations in this part. The U.S. person shall respond to any such questions or requests within the time frame and in the manner specified by the Department of the Treasury. Information and other documents provided by the U.S. person to the Department of the Treasury after the filing of the notification under this section shall be deemed part of the notification and shall be subject to the certification set out in § 851.203.

(c) A U.S. person shall file a notification under § 851.401 or § 851.402 with the Department of the Treasury no later than 30 calendar days following the completion date of a notifiable transaction. A U.S. person shall file a notification required under § 851.403 with the Department of the Treasury no later than 30 calendar days after it acquires the knowledge referred to in § 851.403.

(d) If a U.S. person files a notification prior to the completion date of the notifiable transaction, the U.S. person shall update such notification no later than 30 calendar days following the completion date of the notifiable transaction if information in the original filing has materially changed.

(e) A U.S. person shall inform the Department of the Treasury in writing no later than 30 calendar days following

the acquisition of previously unavailable information required under § 851.405.

§ 851.405 Content of notifications.

(a) A U.S. person that has an obligation under this part to file a notification shall provide the information set forth in this section, which must be accurate and complete in all material respects, subject to paragraph (d) of this section.

(b) A notification shall provide, as applicable:

(1) The contact information of a representative of the U.S. person filing the notification who is available to communicate with the Department of the Treasury about the notification including such representative's:

- (i) Full legal name;
- (ii) Title;
- (iii) Email address;
- (iv) Mailing address;
- (v) Phone number; and
- (vi) Employer;

(2) A complete description of the U.S. person, including, as applicable:

- (i) Name (in English and any applicable native language);
- (ii) All principal places of business;
- (iii) Place of incorporation or legal organization;
- (iv) Company address(es);
- (v) Website;
- (vi) Citizenship (for individuals);
- (vii) Identity and citizenship of the members of the board of directors (or equivalent), officers, or other key personnel expected to be involved in overseeing or collaborating with the investment target; and

(viii) If the U.S. person is an entity, such U.S. person's ultimate owner;

(3) A post-transaction organizational chart of the U.S. person that includes:

(i) The name and principal place or places of business and place of incorporation or legal organization of all entities listed, including intermediate and ultimate parent entities, and any foreign person beneficial owner holding greater than 5 percent of the voting or economic interest in the U.S. person, and a description of the relationship among and between the U.S. person and any such listed entities or foreign person as expressed in percentage of economic or voting interests, limited partnership interests, investment advisory or manager status;

(ii) The U.S. person's relationship with any controlled foreign entity or entities relevant to the transaction; and

(iii) The covered foreign person and other relevant persons involved in the transaction;

(4) A description of the commercial rationale for the transaction, including:

(i) A description of the U.S. person's plans for involvement in the investment target's commercial operations and the expected drivers and timeline for return on the investment;

(ii) Whether the U.S. person plans to transfer or second any employees to the investment target;

(iii) A description of how the U.S. person learned of the investment opportunity in the investment target, including whether the U.S. person first approached the investment target or vice versa; and

(iv) A timeline identifying the date on which the U.S. person initially considered making its investment, along with dates and descriptions of any further negotiations leading up to the transaction;

(5) A brief description of why the U.S. person has determined the transaction is a notifiable transaction that includes a discussion of the nature of the transaction, its structure, reference to the paragraph of § 851.209(a) that best describes the transaction type, and whether the notification is being submitted pursuant to § 851.401, § 851.402, or § 851.403;

(6) The status of the transaction, including the actual or expected completion date of the transaction;

(7) A copy of all transaction documentation, including any partnership, integration, collaboration and ancillary agreements, or other side agreements relating to the transaction;

(8) The total transaction value in U.S. dollars or U.S. dollar equivalent, an explanation of how the transaction value was determined, and a description of the consideration for the transaction (including cash, securities, other assets, and debt forgiveness);

(9) The aggregate economic and voting interest and board seats (or equivalent holdings) of the U.S. person and its affiliates in the covered foreign person (or in the joint venture, as applicable) following the completion date of the transaction, including a description of any agreements or commitments for future investment or options to make future investments in the covered foreign person (or joint venture);

(10) A description of any past, current, or future commercial arrangements between the U.S. person and investment target, such as customer/supplier relationships, joint development arrangements, or joint marketing arrangements;

(11) Information about the covered foreign person, including, as applicable:

(i) Name (in English and any applicable native language);

(ii) Principal place(s) of business;

(iii) Place of incorporation or legal organization;
 (iv) Company address(es);
 (v) website;
 (vi) A description of the company's current and expected future products and services;
 (vii) Annual revenue and profitability;
 (viii) Total asset value;
 (ix) Customer make-up;
 (x) Jurisdictions in which it operates, exports or sells its products or services;
 (xi) Key suppliers;
 (xii) Name of ultimate owner; and
 (xiii) Full legal names and titles of each officer, director, and other member of management of the covered foreign person;

(12) A post-transaction organizational chart of the covered foreign person that includes the name and principal place(s) of business and place of incorporation or legal organization of all entities listed, including any intermediate and ultimate parent entities of the covered foreign person, and a description of the relationship among and between such entities and the covered foreign person, as expressed in

(i) Percentage of economic or voting interests;

(ii) Limited partnership interests; or

(iii) Status as investment adviser or manager;

(13) Identification and description of each notifiable technology engaged in by the covered foreign person that makes the transaction a notifiable transaction, as well as a brief description of the known end use(s) and end user(s) of the covered foreign person's notifiable technology;

(14) A statement describing the attributes that cause the entity to be a covered foreign person, and any other relevant information regarding the covered foreign person and notifiable technology;

(15) If a transaction involves a notifiable technology identified in § 851.218(a), (b), (c), (d), or (e), identification of the technology node(s) at which any applicable product is produced; and

(16) If the notification is required under § 851.403:

(i) Identification of the fact or circumstance of which the U.S. person acquired knowledge post-transaction;

(ii) The date upon which the U.S. person acquired such knowledge;

(iii) A statement explaining why the U.S. person did not possess or obtain such knowledge at the time of the transaction; and

(iv) A description of any pre-transaction diligence undertaken by the U.S. person, including, as applicable, any steps described in § 851.104(c).

(c) The U.S. person shall maintain a copy of the notification filed and supporting documentation for a period of ten years from the date of the filing. Such supporting documentation shall include, as applicable, any pitch decks, marketing letters, and offering memorandums; transaction documents including side letters and investment agreements; and due diligence materials related to the transaction. The U.S. person shall make all supporting documentation available upon request by the Department of the Treasury.

(d) If the U.S. person does not provide responses to the information required in paragraph (b) of this section, the U.S. person shall provide sufficient explanation for why the information is unavailable or otherwise cannot be obtained and explain the U.S. person's efforts to obtain such information. If such information subsequently becomes available, the U.S. person shall provide such information to the Department of the Treasury promptly, and no later than 30 calendar days following the availability of such information.

§ 851.406 Notice of material omission or inaccuracy.

A person who has made any representation, statement, or certification subject to this part, including in connection with any enforcement inquiry or action pursuant to subpart F of this part, shall inform the Department of the Treasury in writing promptly, and in no event later than 30 calendar days after learning of a material omission or inaccuracy in such representation, statement, or certification.

Subpart E—Exceptions and Exemptions

§ 851.501 Excepted transaction.

A transaction that would be either a prohibited transaction or a notifiable transaction if engaged in by a U.S. person but for this section is not a prohibited transaction or a notifiable transaction, as applicable, if the conditions set forth in this section are met. In that case, the transaction is an excepted transaction. The following transactions are excepted transactions:

(a)(1) An investment by a U.S. person:

(i) In a "security" as defined in section 3(a)(10) of the Securities Exchange Act of 1934, as amended, at 15 U.S.C. 78c(a)(10), denominated in any currency, and that trades on an exchange or the over-the-counter market in any jurisdiction;

(ii) In a security issued by any "investment company" as defined in section 3(a)(1) of the Investment

Company Act of 1940, as amended, at 15 U.S.C. 80a-3(a)(1), that is registered with the U.S. Securities and Exchange Commission, such as an index fund, mutual fund, or exchange traded fund;

(iii) In connection with a transaction described in § 851.209(a)(7), made as a limited partner or equivalent in a venture capital fund, private equity fund, fund of funds, or other pooled investment fund other than as described in paragraph (a)(1)(ii) of this section, where:

(A) The limited partner or equivalent's committed capital is not more than the *de minimis* amount of \$2,000,000, aggregated across any investment and co-investment vehicles of the fund; or

(B) The limited partner or equivalent has secured a binding contractual assurance that its capital in the fund will not be used to engage in a transaction that would be a prohibited transaction or notifiable transaction, as applicable, if engaged in by a U.S. person; or

(iv) In a derivative of a security described under paragraph (a)(1)(i), (ii), or (iii) of this section; and

(2) Notwithstanding paragraph (a)(1) of this section, an investment is not an excepted transaction if it affords the U.S. person governance rights beyond standard minority shareholder protections with respect to the covered foreign person. Such standard minority shareholder protections include:

(i) The power to prevent the sale or pledge of all or substantially all of the assets of an entity or a voluntary filing for bankruptcy or liquidation;

(ii) The power to prevent an entity from entering into contracts with majority investors or their affiliates;

(iii) The power to prevent an entity from guaranteeing the obligations of majority investors or their affiliates;

(iv) The right to purchase an additional interest in an entity to prevent the dilution of an investor's pro rata interest in that entity in the event that the entity issues additional instruments conveying interests in the entity;

(v) The power to prevent the change of existing legal rights or preferences of the particular class of stock held by minority investors, as provided in the relevant corporate documents governing such stock; and

(vi) The power to prevent the amendment of the Articles of Incorporation, constituent agreement, or other organizational documents of an entity with respect to the matters described in paragraphs (a)(2)(i) through (v) of this section;

(b) The acquisition by a U.S. person of equity or other interest owned or held by a covered foreign person in an entity or assets located outside of a country of concern in which the U.S. person is acquiring the totality of the equity or other interest in such entity held by all covered foreign persons and, following such acquisition, the entity does not constitute a covered foreign person;

(c) An intracompany transfer of funds (as defined in § 851.216) from a U.S. person to its controlled foreign entity;

(d) A transaction made on or after [EFFECTIVE DATE OF FINAL RULE] pursuant to a binding, uncalled capital commitment entered into before [EFFECTIVE DATE OF FINAL RULE];

(e) The acquisition of a voting interest in a covered foreign person by a U.S. person upon default or other condition involving a loan or a similar financing arrangement, where the loan was made by a syndicate of banks in a loan participation where the U.S. person lender(s) in the syndicate:

(1) Cannot on its own initiate any action vis-à-vis the debtor; and

(2) Is not the syndication agent;

(f) The receipt of employment compensation by an individual in the form of an award of equity or the grant of an option to purchase equity in a covered foreign person, or the exercise of such option;

(g) Transactions that would otherwise be notifiable transactions, where neither the value of the covered national security transaction, nor provision of funds or other consideration to the relevant covered foreign person or joint venture, in the aggregate across the preceding 12 months, exceeds the *de minimis* amount of \$50,000 (When applying the *de minimis* exception, the U.S. person must account for any funds provided and the fair market value of any non-cash consideration. The Department of the Treasury is not bound by the U.S. person's valuation of the transaction or transactions.);

(h) A transaction secondary to a covered national security transaction, *i.e.*:

(1) Contractual arrangements (not including contractual arrangements for technology transfer or technical knowledge transfer) or the procurement of material inputs for any covered national security transaction (such as raw materials);

(2) Bank lending;

(3) The processing, clearing, or sending of payments by a bank;

(4) Underwriting services including, but not limited to, the temporary acquisition of an equity interest for the sole purpose of facilitating underwriting services;

(5) Debt rating services;

(6) Prime brokerage;

(7) Global custody;

(8) Equity research or analysis; or

(9) Other similar services;

(i) Any ordinary or administrative business transaction;

(j) Any ancillary transaction undertaken by a “financial institution” as defined in 31 U.S.C. 5312, *i.e.*:

(1) The processing, clearing, or sending of payments and cash transactions for or to a covered foreign person;

(2) Underwriting services, including the temporary acquisition of an equity interest in a covered foreign person for the sole purpose of facilitating underwriting services;

(3) Credit rating services on behalf of a covered foreign person; and

(4) Other services ordinarily incident to and part of the provision of financial services on behalf of a covered foreign person, such as opening deposit accounts, direct custody services, foreign exchange services, remittances services, and safe deposit services;

(k)(1) A transaction that is:

(i) With or involving a person of a country or territory outside of the United States designated by the Secretary, after taking into account whether the country or territory is addressing national security risks substantially similar to those described in section 8504 of Subtitle A of Title LXXXV of the National Defense Authorization Act for Fiscal Year 2026 and related to outbound investment; and

(ii) Of a type for which the Secretary has determined that the related national security concerns are likely to be adequately addressed by measures taken or that may be taken by the government of the relevant country or territory.

(2) Prior to making a designation or determination under this paragraph (k), the Secretary shall consult with the Secretary of State, the Secretary of Commerce, and, as appropriate, the heads of other relevant Federal departments and agencies.

(3) The Secretary's designations and determinations under paragraph (k)(1) of this section shall be made available through public notice.

(4) The Secretary may rescind a designation or determination under paragraph (k)(1) of this section if the Secretary, in consultation with the Secretary of State, Secretary of Commerce, and, as appropriate, the heads of other relevant agencies, determines that such a rescission is appropriate. Any rescission shall be made available through public notice; or

(l) Any transaction completed before the enactment of Title VIII on December

18, 2025 (although transactions prior to this date may be subject to part 850 of this chapter).

§ 851.502 National interest exemption.

(a) The Secretary, in coordination with the Secretary of Commerce, the Secretary of State, and the heads of other relevant Federal departments and agencies, as appropriate, may determine that a covered national security transaction is in the national interest of the United States and therefore is exempt from applicable provisions in subpart C of this part (excluding §§ 851.406, 851.603, and 851.604). Such a determination may be made following a request by a U.S. person on its own behalf or on behalf of its controlled foreign entity.

(b) Any determination pursuant to paragraph (a) of this section will be based on a consideration of the totality of the relevant facts and circumstances and may be informed by, among other considerations, the transaction's effect on critical U.S. supply chain needs; domestic production needs in the United States for projected national defense requirements; U.S. public health needs; U.S. technological leadership globally in areas affecting U.S. national security; and impact on U.S. national security if the U.S. person is prohibited from undertaking the transaction.

(c) The Secretary shall:

(1) Notify the appropriate congressional committees not later than five business days after issuing an exemption under paragraph (a) of this section; and

(2) Include in such notification an identification of the national interest justifying the use of the exemption, subject to appropriate confidentiality and classification requirements.

(d) A U.S. person requesting a national interest exemption shall submit relevant information to the Department of the Treasury regarding the transaction and shall articulate the basis for the request, including the U.S. person's analysis of the transaction's potential impact on the national interest of the United States, and the certification set out in § 851.203. Information and other documents submitted by the U.S. person to the Department of the Treasury under this section shall be deemed part of the national interest exemption request. The U.S. person shall follow the instructions posted on the Department of the Treasury's Outbound Investment Security Program website. No communications or submissions other than those described in this section shall constitute a request for a national interest exemption. The Department of

the Treasury may request additional information that may include some or all of the information required under § 851.405.

(e) A determination that a covered national security transaction is exempt under this section may be subject to binding conditions.

(f) No determination pursuant to paragraph (a) of this section will be valid unless provided to the subject U.S. person in writing and signed by an official no less senior than Deputy Assistant Secretary of the Treasury for Investment Security.

Note 1 to § 851.502: The process and related information for national interest exemption requests is available on the Department of the Treasury's Outbound Investment Security Program website.

§ 851.503 Intelligence activities exemption.

Transactions undertaken as part of any authorized intelligence activities of the United States shall not be regulated or prohibited, directly or indirectly, by this part.

Subpart F—Violations

§ 851.601 Taking actions prohibited by this part.

The taking of any action prohibited by this part is a violation of this part.

§ 851.602 Failure to fulfill requirements.

Failure to take any action required by this part, and within the time frame and in the manner specified by the regulations in this part, as applicable, is a violation of the regulations in this part.

§ 851.603 Misrepresentation, concealment, and omission of facts.

With respect to any information submission to or communication with the Department of the Treasury pursuant to any provision of this part, the making of any materially false or misleading representation, statement, or certification, or falsifying, concealing or omitting any material fact is a violation of this part.

§ 851.604 Evasions; attempts; causing violations; conspiracies.

(a) Any action that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the obligations set forth in this part is prohibited.

(b) Any conspiracy formed to violate the obligations set forth in this part is prohibited.

§ 851.605 Burden of proof.

In an enforcement action for a violation of this part, the burden of proof shall be upon the Secretary.

Subpart G—Penalties and Disclosures

§ 851.701 Penalties.

(a) Section 807 of Title VIII applies to any person subject to the jurisdiction of the United States who violates, attempts to violate, conspires to violate, or causes a violation of any order, regulation, or notification requirement, or prohibition under Title VIII.

(b) A civil penalty may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any order, regulation, notification requirement, or prohibition issued under Title VIII, including any provision of this part in amounts equivalent to amounts provided for under section 206(b) of IEEPA. Those amounts are not to exceed the greater of:

(1) \$250,000, as such amount is adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (Pub. L. 101–410, 28 U.S.C. 2461 note); or

(2) An amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(c) The civil penalties provided for in IEEPA are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended (Pub. L. 101–410, 28 U.S.C. 2461 note). Notice of the maximum penalty which may be assessed under this section will be published in the **Federal Register** and on the Department of the Treasury's Outbound Investment Security Program website on an annual basis.

(d) The penalties available under this section are without prejudice to other penalties, civil or criminal, and forfeiture of property, available under other applicable law.

(e) Pursuant to 18 U.S.C. 1001, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact; makes any materially false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

§ 851.702 Administrative collection; referral to United States Department of Justice.

The imposition of a monetary penalty under this part creates an immediate debt due to the U.S. Government. The

Department of the Treasury may take action to collect the penalty assessed if not paid. In addition or instead, the matter may be referred to the Department of Justice for appropriate action to recover the penalty.

§ 851.703 Divestment.

(a) The Secretary may compel the divestment of a covered national security transaction in a prohibited technology.

(b) The Secretary may refer any action taken under paragraph (a) of this section to the Attorney General to seek appropriate relief to enforce such action, including divestment or other relief.

§ 851.704 Voluntary self-disclosure.

(a) Any person that has engaged in conduct that may constitute a violation of this part may submit a voluntary self-disclosure of that conduct to the Department of the Treasury.

(b) In determining the appropriate response to any violation, the Department of the Treasury will consider the submission and the timeliness of any voluntary self-disclosure.

(c) In assessing the timeliness of a voluntary self-disclosure, the Department of the Treasury will consider whether it has learned of the conduct prior to the voluntary self-disclosure. The Department of the Treasury may consider disclosure of a violation to another government agency other than the Department of the Treasury as a voluntary self-disclosure based on a case-by-case assessment.

(d) Notwithstanding paragraphs (a) through (c) of this section, identification to the Department of the Treasury of conduct that may constitute a violation of this part may not be assessed to be a voluntary self-disclosure in one or more of the following circumstances:

(1) A different party has provided a prior disclosure to the Department of the Treasury of the conduct or similar conduct related to the same pattern or practice, regardless of whether the disclosing person knew of the different party's prior disclosure;

(2) The disclosure includes materially false or misleading information;

(3) The disclosure, when considered along with supplemental information timely provided by the disclosing person, is materially incomplete;

(4) The disclosure is not self-initiated, including when the disclosure results from a suggestion or order of a Federal or state agency or official;

(5) The disclosure is a response to an administrative subpoena or other inquiry from the Department of the Treasury or another government agency;

(6) The disclosure is made about the conduct of an entity by an individual in such entity without the authorization of such entity's senior management; or

(7) The filing is made pursuant to a required notification under this part, including § 851.403 or § 851.406.

(e) A voluntary self-disclosure to the Department of the Treasury must take the form of a written letter submitted through the electronic Outbound Notification System and addressed to the Assistant Secretary for Investment Security describing the conduct that may constitute a violation and each of the persons involved. Specifically, the letter must include, or be followed within a reasonable period by supplemental information that contains sufficient detail to afford a complete understanding of the conduct that may constitute the violation, including:

(1) Whether the relevant covered national security transaction (or transactions) was in a notifiable technology or prohibited technology, with reference to the relevant paragraph of § 851.218 or § 851.226;

(2) The date or dates on which the conduct occurred;

(3) The parties to the transaction(s);

(4) Whether any of the parties have established programs or protocols aimed at compliance with the regulations in this part;

(5) A description of any pre-transaction diligence undertaken by the U.S. person, including, as applicable, any steps described in § 851.104(c);

(6) A statement of the reason why the transaction was undertaken in light of the regulations in this part; and

(7) A proposal for mitigation of any harms associated with the violation, which may include divestment or a voluntary disgorgement of profits.

(f) A person making a voluntary self-disclosure must respond to any follow-up inquiries by the Department of the Treasury within the time frame and in the manner specified by the Department of the Treasury.

Subpart H—Provision and Handling of Information

§ 851.801 Confidentiality.

(a) Except to the extent required by law or otherwise provided in paragraph (b) of this section, any information or documentary materials not otherwise publicly available that are submitted to or filed with the Department of the Treasury under this part, including in connection with a compliance inquiry or action under subpart F of this part, shall be exempt from disclosure under 5 U.S.C. 552(b)(3), and no such material may be made public.

(b) Notwithstanding paragraph (a) of this section, except to the extent prohibited by law, the Department of the Treasury may disclose information or documentary materials that are not otherwise publicly available, subject to appropriate confidentiality and classification requirements, when such information is or documentary materials are:

(1) Relevant to any judicial or administrative action or proceeding;

(2) Provided to Congress or to any duly authorized committee or subcommittee of Congress;

(3) Important to the national security analysis or actions of the Secretary to any domestic governmental entity, or to any foreign governmental entity of a U.S. ally or partner, only to the extent necessary for national security purposes;

(4) The identity of a covered foreign person in any public database established under section 805 of Title VIII;

(5) Information that the submitting or filing parties have consented to be disclosed to non-parties; or

(6) Gathered by the Secretary or the Secretary's designee where the disclosure is determined by the Secretary or the Secretary's designee to be in the national interest, which may include publication of anonymized data.

§ 851.802 Language of information.

All materials or information submitted or filed with the Department of the Treasury under this part shall be submitted in English. If supplementary or additional materials were originally written in a foreign language, they shall be submitted in their original language. Where English versions of those documents exist, they shall also be submitted.

Subpart I—Non-Binding Feedback

§ 851.901 Eligibility to request feedback.

(a) This subpart establishes procedures by which an eligible person may request non-binding feedback from the Department of the Treasury as to whether a transaction would constitute a prohibited transaction under this part.

(b) Only a person with a direct financial interest in the subject transaction may submit a request under this subpart.

(c) The transaction that is the subject of the request must be an actual—not hypothetical—transaction and involve only prospective conduct (*i.e.*, conduct that has not yet occurred). An executed contract is not required, but the material terms of the prospective transaction must be identified in a binding written

agreement or other binding document to demonstrate that the transaction is not hypothetical.

Note 1 to § 851.901: Because feedback may only be requested for prospective conduct, submission of a voluntary self-disclosure under § 851.704 does not constitute a request under this subpart.

§ 851.902 Submission requirements.

(a) A request for non-binding feedback must be submitted in writing.

(b) A request must be submitted in accordance with the instructions found on the Department of the Treasury's Outbound Investment Security Program website or as otherwise specified by the Department of the Treasury.

(c) A request must address a single transaction.

(d) A request must include all relevant and material information bearing on whether the subject transaction would constitute a prohibited transaction, including:

(1) Identification of the requester and any other persons joining in the request, including name, address, place of incorporation or organization (if applicable), principal place of business, citizenship, and points of contact;

(2) Identification of each party to the transaction (including relevant intermediaries, financing sources, and controlled foreign entities), and each covered foreign person, if known;

(3) A detailed description of the contemplated structure of the transaction, including the form of investment, governance and information rights, timing, and completion date;

(4) A detailed description of the products, services, technologies, or activities implicated by the transaction and the basis for the requester's view as to whether such products, services, technologies, or activities may constitute prohibited technology;

(5) All operative documents and material term sheets, draft agreements, side letters, and other written materials reflecting the contemplated transaction, as available at the time of submission;

(6) Any other information that the requester believes is relevant to the application of this part to the transaction, including any prior submissions to the Department of the Treasury under this part or part 850 of this chapter concerning the same or closely related transaction, or any other information that may be material to the subject transaction; and

(7) A statement as to whether the requester seeks:

(i) Anonymized guidance to the public; or

(ii) Confidential non-binding feedback provided to the requester.

(e) A request must be signed by an authorized representative of the requester or by counsel expressly authorized in writing to sign on the requester's behalf and the signer must certify

(1) That the request contains a true, correct, and complete disclosure of all material facts and circumstances known to the requester at the time of submission; and

(2) That the requester will promptly supplement the request if the requester learns of material changes to facts stated in the request or omissions therefrom.

(f) A requester may identify in its submission any information that it considers proprietary or identifying to assist in the event anonymized guidance is issued to the public.

§ 851.903 Additional information; completeness.

(a) If a request does not contain all information the Department of the Treasury deems necessary to review the matter, the Department of the Treasury may request additional information or documents, or a meeting with the requester and any other relevant parties to the transaction.

(b) Failure to provide requested information within the time frame specified by the Department of the Treasury may result in the closing of the request without providing feedback.

(c) A request will not be deemed complete until the Department of the Treasury receives all additional information it has requested.

Note 1 to § 851.903: The Department of the Treasury may request additional information from other relevant parties to conduct its analysis.

§ 851.904 Issuance of non-binding feedback.

(a) Receipt of a complete request for non-binding feedback by an eligible person under this subpart does not obligate the Department of the Treasury to issue such feedback.

(b) The Department of the Treasury may, in its sole discretion, respond to a complete request by providing anonymized public guidance, issuing confidential, written non-binding feedback stating the Department of the Treasury's view as to whether the transaction, as described, would constitute a covered national security transaction in a prohibited technology, or declining to provide feedback. When providing feedback, the Department of the Treasury may, in its sole discretion, respond to some, but not all, of the questions or information provided by the requestor (e.g., non-binding

feedback limited to whether the foreign person is a covered foreign person).

(c) No oral clearance, release, or other statement purporting to provide non-binding feedback under this subpart may be given.

(d) Non-binding feedback does not express the Department of the Treasury's views on any legal or factual issues that may arise under other statutes or regulations, or before any other department or agency.

(e) Non-binding feedback may be invalidated, modified, or revoked by the Department of the Treasury at any time, including if it was based on inaccurate, incomplete, or outdated information.

§ 851.905 Effect of non-binding feedback.

(a) Any non-binding feedback issued under this subpart is not binding on the Department of the Treasury, any other Federal or local department or agency, or any court; does not constitute an authorization, license, exemption, or waiver; and does not preclude the Department of the Treasury from taking any action authorized by law with respect to the transaction, the requester, or any other person.

(b) In determining an appropriate response to a potential violation under this part, the Department of the Treasury may consider, among other factors, whether the requester sought and reasonably acted consistent with non-binding feedback, provided that the requester made a true, correct, and complete disclosure of all material facts and circumstances known to the requester at the time of submission.

§ 851.906 Anonymized public guidance.

Anonymized public guidance issued pursuant to this subpart may take the form of answers to frequently asked questions, standalone regulatory guidance, or anonymized versions of the feedback provided to a requestor.

§ 851.907 Limitations; frivolous feedback requests.

(a) In establishing and administering processes under this subpart, the Department of the Treasury may reject or otherwise limit any request identified as frivolous. The Department of the Treasury may identify a request as frivolous in its sole discretion and based on a totality of the circumstances, including whether the request:

(1) Lacks sufficient detail or supporting materials to permit meaningful review;

(2) Duplicates, without material change, a prior request by the same requester;

(3) Seeks general advisory views or policy guidance not specific to the transaction described;

(4) Is submitted in bad faith, for purposes of delay, harassment, or to burden the Department of the Treasury; or

(5) Otherwise fails to further the administration or enforcement of this part.

(b) The Department of the Treasury, in its sole discretion, may place limitations on a requester that submits a frivolous request. Such limitations may include declining to accept the request, closing the request, requiring consolidation of multiple requests, limiting the number of requests submitted by a requester within a specified period, or requiring pre-submission consultation, as specified by the Department of the Treasury through public notice or instructions published on the Department of the Treasury's Outbound Investment Security Program website.

§ 851.908 Signature requirement.

Confidential non-binding feedback must be signed by the Assistant Secretary of the Treasury for Investment Security, a Deputy Assistant Secretary for Investment Security, or another official acting pursuant to § 851.1101 or other applicable delegation.

Subpart J—Information on Covered Foreign Persons

§ 851.1001 Confidential submission of information on covered foreign persons.

(a) Any person may submit information, including supporting documents, to the Department of the Treasury regarding whether a foreign person is a covered foreign person engaged in a prohibited technology or in a notifiable technology. Submission instructions are available on the Department of the Treasury's Outbound Investment Security Program website.

(b) A person submitting information must include their:

(1) Full legal name (last, first, middle name);

(2) Occupation or line of work, including name of employer (if any); and

(3) Contact information.

(c) The submission must include the following information, as applicable, and to the best of the submitter's ability, about the foreign person that is the subject of the confidential submission:

(1) Name, including any known aliases;

(2) Principal place(s) of business;

(3) Place of incorporation or legal organization;

(4) Company address(es);

(5) Company website;

(6) Any information regarding the foreign person's nationality (if an

individual) or ownership (if an entity), including the foreign person's ultimate owner, and the full legal names and titles of each officer, director, and other member of management of the foreign person;

(7) The notifiable technology or prohibited technology in which the foreign person is engaged by reference to the relevant paragraph under § 851.218 or § 851.226, as appropriate; and

(8) Any other information that the submitter believes would assist the Department of the Treasury to analyze and understand the information submitted.

(d) The submission must also include an explanation regarding how the submitter determined or discovered that the foreign person is engaged in a prohibited technology or a notifiable technology. If the explanation refers to specific documents or other materials, the submitter should, if possible, provide such documents or materials as part of the submission.

(e) The Department of the Treasury may contact the submitter with follow-up inquiries regarding the submission.

(f) The Department of the Treasury, in its sole discretion, may place limitations on a person that makes frivolous or bad faith submissions of information. Such limitations may include prohibiting the person from making additional submissions or limiting the number of submissions that may be made within a specified period.

Subpart K—Other Provisions

§ 851.1101 Delegation of authorities of the Secretary of the Treasury.

Any action that the Secretary is authorized to take pursuant to Title VIII may be taken by the Assistant Secretary of the Treasury for Investment Security

or their designee or by any other person to whom the Secretary has delegated the authority so to act, as appropriate.

§ 851.1102 Amendment, modification, or revocation.

(a) Except as otherwise provided by law, the Secretary, in consultation with the Secretary of Commerce, the Secretary of State, and, as appropriate, the heads of other relevant Federal departments and agencies, may amend, modify, or revoke provisions of this part at any time.

(b) Except as otherwise provided by law, any instructions, orders, forms, regulations, or rulings issued pursuant to this part may be amended, modified, or revoked at any time.

(c) Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in this part does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such instructions, orders, forms, regulations, or rulings pursuant to this part continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 851.1103 Severability.

The provisions of this part are separate and severable from one another. If any of the provisions of this part, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

§ 851.1104 Reports to be furnished on demand.

(a) Any person is required to furnish under oath, in the form of reports or otherwise, at any time as may be required by the Department of the Treasury, complete information regarding any act or transaction subject to the provisions of this part, regardless of whether such act or transaction is effected pursuant to a national interest exemption under § 851.502. Except as provided otherwise, the Department of the Treasury may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of any books, contracts, letters, papers, and other hard copy or electronic documents relating to any matter under investigation, regardless of whether any report has been required or filed under this section.

(b) For purposes of paragraph (a) of this section, the term *document* includes any written, recorded, or graphic matter or other means of preserving thought or expression (including in electronic format), and all tangible things stored in any medium from which information can be processed, transcribed, or obtained directly or indirectly.

(c) Persons providing documents to the Department of the Treasury pursuant to this section must do so in a usable format agreed upon by the Department of the Treasury.

Christopher M. Pilkerton,

Assistant Secretary for Investment Security.

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