AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



FEDERAL REGISTER

Vol. 91 Tuesday,

No. 206 October 27, 2026

Pages 67435–67764

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

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

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

Printed on recycled paper.

Contents

Federal Register

Vol. 91, No. 206

Tuesday, October 27, 2026

Agriculture Department
See Forest Service
See Rural Business-Cooperative Service

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 67579–67582
Requirement for Attestation:
All Airline or Other Aircraft Passengers Arriving in the United States from Any Foreign Country and Controlled Free Pratique For Airlines Confirming That Such Passengers Have Not Been in the Democratic Republic of the Congo In the Past 21 Days, 67582–67587

Coast Guard
PROPOSED RULES
Safety Zone:
Southern California Annual Firework Events for the Los Angeles—Long Beach Captain of the Port Zone, 67535–67539
NOTICES
Imposition of Conditions of Entry on Vessels Arriving from Somalia, 67594

Commerce Department
See Industry and Security Bureau
See National Oceanic and Atmospheric Administration
NOTICES
U.S. Resources Management Industry Listing and Opportunity to Apply for the Listing, 67541–67542

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 67650–67653

Consumer Product Safety Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Standard for the Flammability of Mattresses and Mattress Pads and Standard for the Flammability (Open Flame) of Mattress Sets, 67552–67553

Defense Department
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
Advisory Council on Health and Human Performance Optimization, 67554–67555

Education Department
See National Assessment Governing Board

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Critical Material List; Addition of Helium, 67558

Environmental Protection Agency
NOTICES
Official Release of the MOVES6 Motor Vehicle Emissions Model for State Implementation Plans and Transportation Conformity, 67565–67570

Equal Employment Opportunity Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 67570–67572

Federal Accounting Standards Advisory Board
NOTICES
Hearings, Meetings, Proceedings, etc.:
Appointments Panel, 67572

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters, 67439–67442, 67445–67448
Airbus Helicopters Deutschland GmbH (AHD) Helicopters, 67457–67460
Airbus SAS Airplanes, 67455–67457
Ontic Engineering and Manufacturing, Inc. (Type Certificate Previously Held by Swearingen, Fairchild Aircraft, and M7 Aerospace) Airplanes, 67435–67439
The Boeing Company Airplanes, 67442–67445, 67448–67455
PROPOSED RULES
Airworthiness Directives:
CFM International, S.A. Engines, 67532–67535
Special Conditions:
Embraer S.A. Model ERJ 190–400 Airplane; Embraer Enhanced Takeoff System, 67530–67532
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Aviation Research Grants Program, 67644–67645
Petition for Exemption; Summary:
Placer Mosquito and Vector Control District, 67644

Federal Communications Commission
NOTICES
Suspension and Commencement of Proposed Debarment Proceedings, 67572–67578

Federal Deposit Insurance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 67650–67653

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 67562–67565
Environmental Assessments; Availability, etc.:
Erie Boulevard Hydropower, LP, 67559–67560, 67564
Fall River Electric Cooperative, Inc., 67563–67564
Virginia Electric and Power Co. d/b/a Dominion Energy Virginia, Allegheny Generating Co., and Bath County Energy, LLC, 67559
Scoping Period on Environmental Issues:
Florida Gas Transmission Co., LLC, Proposed Phase IX Project, 67560–67562

Staff Review of Enforcement Programs:
North American Electric Reliability Corp., 67559

Federal Maritime Commission
NOTICES
Agreements Filed, 67578

Federal Motor Carrier Safety Administration
NOTICES
Exemption Application:
Commercial Driver's License; PAM Transport, Inc., 67645–67647

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 67650–67653
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company; Correction, 67579
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 67578–67579

Food and Drug Administration
NOTICES
Drug Products not Withdrawn from Sale for Reasons of Safety or Effectiveness:
Pepcid RPD (Famotidine) Orally Disintegrating Tablets, 20 Milligrams and 40 Milligrams, 67587
Guidance:
U.S.-Origin Statements on Seafood, 67588–67589

Forest Service
RULES
Subsistence Management Regulations for Public Lands in Alaska:
2026–27 and 2027–28 Subsistence Taking of Wildlife Regulations, 67482–67528

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
PROPOSED RULES
Patient Protection and Affordable Care Act, Exchange Pre-Eligibility Verification, 67656–67717

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Organ Procurement and Transplantation Network Board of Directors and Committee Member Applications and Forms, 67589–67592

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection
NOTICES
Suspension of the Commonwealth of the Northern Mariana Islands Economic Vitality and Security Travel Authorization Program, 67595–67598

Housing and Urban Development Department
NOTICES
Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2026, 67598–67609

Industry and Security Bureau
NOTICES
Denial of Export Privileges:
Mahan Airways, Pejman Mahmood Kosarayanifard a/k/a Kosarian Fard, et al., 67542–67551

Interior Department
RULES
Subsistence Management Regulations for Public Lands in Alaska:
2026–27 and 2027–28 Subsistence Taking of Wildlife Regulations, 67482–67528

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Communications Excise Tax; Prepaid Telephone Cards, 67653

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof, 67610–67611
Mattresses from Cambodia, China, Malaysia, Serbia, Thailand, Turkey, and Vietnam, 67611

Justice Department
RULES
Bipartisan Safer Communities Act:
Criteria for National Instant Criminal Background Check System Background Checks of Firearm Handlers, 67460–67476
Implementation of HAVANA Act, 67476–67480
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Progress Report for the Services, Training, Officers, and Prosecutors Formula Grants Program, 67611–67612
STOP Match Calculation Worksheet, 67612–67613

Morris K. and Stewart L. Udall Foundation
NOTICES
Meetings; Sunshine Act, 67613–67614

National Assessment Governing Board
NOTICES
Hearings, Meetings, Proceedings, etc.:
Committee and Quarterly Board, 67555–67558

National Highway Traffic Safety Administration
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
Negotiated Rulemaking Advisory Committee for Tire Safety; Requests for Nominations, 67647–67649
Hearings, Meetings, Proceedings, etc.:
National Emergency Medical Services Advisory Council, 67649–67650

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research, 67592–67593
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 67592
Licenses; Exemptions, Applications, Amendments, etc.:
Government-Owned Inventions, 67593–67594

National Mediation Board
RULES
Change of Address; Technical Amendment, 67480–67482

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone off Alaska:
Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska, 67528–67529
NOTICES
Hearings, Meetings, Proceedings, etc.:
North Pacific Fishery Management Council, 67551–67552

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Survey of Earned Doctorates, 67614–67615

Nuclear Regulatory Commission
NOTICES
Facility Operating and Combined Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 67615–67622
Meetings; Sunshine Act, 67623
Requests for Nominations:
Advisory Committee on the Medical Uses of Isotopes, 67622–67624

Pipeline and Hazardous Materials Safety Administration
PROPOSED RULES
Hazardous Materials:
Harmonization with International Standards, 67720–67763

Rural Business-Cooperative Service
NOTICES
Funding Opportunity:
Strengthening Processing for US Ranchers Guaranteed Loan Program for Fiscal Year 2027 and Guarantee Fee Rates/Loan Guarantee Percentage and Fee for Issuance of Loan Note Guarantee Prior to Construction Completion, 67540–67541

Securities and Exchange Commission
NOTICES
Application:
Nilsine Partners NP1X Fund, et al., 67641–67642
Meetings; Sunshine Act, 67642
Order:
Cboe Clear U.S., LLC, 67624–67641

Small Business Administration
NOTICES
Disaster Declaration:
Minnesota, 67643
Washington, 67642–67643
West Virginia, 67643

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Stunning Patterns: Woven Textiles from Madagascar's Merina Kingdom, 67644

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Customs Broker Permit User Fee Payment for 2027, 67594–67595

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Information Collected from Lenders of Condominium Projects, 67653–67654

Separate Parts In This Issue

Part II
Health and Human Services Department, 67656–67717

Part III
Transportation Department, Pipeline and Hazardous Materials Safety Administration, 67720–67763

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
39 (8 documents) 67435, 67439, 67442, 67445, 67448, 67452, 67455, 67457
Proposed Rules:
25.....67530
39.....67532

28 CFR
25.....67460
106.....67476

29 CFR
1203.....67480
1208.....67480
1209.....67480

33 CFR
Proposed Rules:
165.....67535

36 CFR
242.....67482

43 CFR
51.....67482

45 CFR
Proposed Rules:
155.....67656

49 CFR
Proposed Rules:
171.....67720
172.....67720
173.....67720
175.....67720
176.....67720
178.....67720
180.....67720

50 CFR
679.....67528

Rules and Regulations

Federal Register
Vol. 91, No. 206
Tuesday, October 27, 2026

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2723; Project Identifier AD–2024–00429–A; Amendment 39–23502; AD 2026–21–13]

RIN 2120–AA64

Airworthiness Directives; Ontic Engineering and Manufacturing, Inc. (Type Certificate Previously Held by Swearingen, Fairchild Aircraft, and M7 Aerospace) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Ontic Engineering and Manufacturing, Inc. Model SA226–T, SA226–AT, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–PC, SA227–CC, SA227–DC (C–26B), and SA227–TT (300) airplanes. This AD was prompted by reports of in-flight pitch trim actuator failures. This AD requires repetitively inspecting the pitch trim actuator for cracked, missing, or compromised sealant, replacing and sealing the pitch trim actuator if cracked, missing, or compromised, repetitively measuring the pitch trim actuator travel time, and depending on the results of the measurements, replacing and sealing the pitch trim actuator. This AD also requires certain pitch trim actuators to be sealed after installation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 1, 2026.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of December 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2723; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Ontic material identified in this AD, contact Ontic, 1176 Telecom Drive, Creedmoor, NC 27522; phone: (919) 956–4300; email: *metroliner@ontic.com;* website: *metromerlin.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1100 Main, Kansas City, MO 64105. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–2723.

FOR FURTHER INFORMATION CONTACT: Trevor Carlton, Aviation Safety Engineer, FAA, East Certification Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5597; email: *ECB-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Ontic Engineering and Manufacturing, Inc. Model SA226–T, SA226–AT, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–PC, SA227–CC, SA227–DC (C–26B), and SA227–TT (300) airplanes. The NPRM was published in the **Federal Register** on April 2, 2026 (91 FR 16595). The NPRM was prompted by reports of in-flight pitch trim actuator failures. In the NPRM, the FAA proposed to require repetitively inspecting the pitch trim actuator for cracked, missing, or compromised sealant, replacing and sealing the pitch trim actuator if the sealant is found cracked, missing, or compromised, repetitively measuring the pitch trim actuator travel time, and depending on the results of the measurements, replacing and sealing the pitch trim actuator. The proposed AD would prohibit the installation of certain pitch trim actuators unless the pitch trim actuator is sealed.

The FAA is issuing this AD to prevent moisture intrusion into the pitch trim actuator body through the rod end keyway and pitch trim actuator piston. The unsafe condition, if not addressed, could result in pitch trim actuator failure and reduced control of the airplane.

The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters. The commenters were Ontic Engineering and Manufacturing, Inc. and World Class Accessory, Inc. The commenters requested changes to the proposed service information, compliance requirements, and installation provisions. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Incorporate the Latest Revisions of the Service Information

Ontic Engineering and Manufacturing, Inc. requested that the latest revisions of the service bulletins be incorporated into the NPRM: Ontic Engineering and Manufacturing, Inc. SA227 Service Bulletin (SB) 227–27–067R3 dated March 2, 2026, and Ontic Engineering and Manufacturing, Inc. SA226 Service Bulletin 226–27–087R3 dated March 2, 2026.

The FAA agrees. The latest revisions clarify the repetitive travel time measurements for the different actuators, update manpower requirements, and align the allowable system voltage for the actuator time travel measurements for the DL5040M5, Mod 1 actuator. None of these changes substantively affect the required actions for operators but instead are clarifying. This AD has been revised to incorporate the latest revisions of the applicable service bulletins while retaining credit for actions accomplished before the effective date of this AD using the service bulletin revisions referenced in the NPRM.

Request To Revise Paragraph (h) Required Actions for Model Group 1 Airplanes

World Class Accessory, Inc. requested editorial changes to the Required Actions for Model Group 1 Airplanes in paragraphs (h)(2) and (3) of the proposed AD. The commenter requested changing the phrase ''seal the pitch trim actuator in accordance with'' to ''seal the pitch trim actuator rod ends in accordance with'' for clarification.

The FAA disagrees. The FAA reviewed the requested editorial changes and determined that a revision is not necessary. The language in this AD is consistent with the service information from the design approval holder (DAH). The FAA did not change this AD as a result of this comment.

Request To Maintain the Repetitive Measurement Interval

Ontic Engineering and Manufacturing, Inc. requested that the repetitive measurement interval for airplanes equipped with an originally installed Simmonds-Precision pitch trim actuator, part number DL5040M5, remain identical by maintaining the current interval of not to exceed 250 flight hours or 6 calendar months, whichever occurs first.

The FAA agrees. This AD has the repetitive measurement intervals for both Group 1 and Group 2 airplanes equipped with an original DL5040M5 pitch trim actuator at intervals of not to exceed 250 flight hours or 6 calendar months, whichever occurs first. These intervals were selected to align with the repetitive inspection intervals required by AD 2007–16–03, Amendment 39–15142 (72 FR 43139, August 3, 2007) (AD 2007–16–03), and the DAH service information. Operators should already be accomplishing these repetitive inspections at the established intervals; therefore, this AD can be done at already established maintenance activity. The FAA did not change this AD as a result of this comment.

Request To Require Accomplishment by a Repair Station

World Class Accessory, Inc. requested revising paragraph (h)(1) of the proposed AD to require that the inspection of the ram of each actuator be accomplished only by a repair station. The commenter stated that the inspection cannot be accomplished in the field.

The FAA disagrees. The applicable Ontic service bulletins provide the information necessary to accomplish the required actions. It is the owner/operator's responsibility to ensure that those actions are performed by a qualified and licensed mechanic per FAA regulations. The FAA did not change this AD as a result of this comment.

Request To Revise the Installation Prohibition

World Class Accessory, Inc. requested revising the installation prohibition because the pitch trim actuator (PTA) rod ends cannot be sealed until the actuator is installed on the airplane, adjusted, and rigged. The commenter stated that the rod ends must be adjusted, secured, and sealed after installation on the airplane before the actuator can be returned to service.

The FAA agrees with the intent of the comment. The FAA acknowledges that the PTA must be installed on the airplane before sealant can be applied to the rod ends. However, the FAA disagrees that the installation prohibition prevents compliance with the AD. The return-to-service procedures in the applicable Ontic service bulletins account for this step. Specifically, Step 2.C.1.a of the Ontic service bulletin instructs maintenance personnel to apply sealant to each ram rod end in accordance with Step 2.B.8 after the actuator is installed on the airplane and rigging/adjustment is complete. The actuator must be sealed before the airplane is returned to service. The FAA revised paragraph (j) of this AD to clarify the installation prohibition language to ensure the return to service procedures in the applicable service bulletins are followed.

Changes Since the NPRM Was Issued

In Table 1 of paragraph (h)(5)(ii), the NPRM was missing a row for Simmonds-Precision pitch trim actuator P/N DL5040M8. The FAA has corrected the table in this final rule.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Ontic Engineering and Manufacturing, Inc. SA227 Commuter Category Series Service Bulletin CC7–27–038R3, dated January 27, 2026; Ontic Engineering and Manufacturing, Inc. SA227 Service Bulletin 227–27–067R3, dated March 2, 2026; and Ontic Engineering and Manufacturing, Inc. SA226 Service Bulletin 226–27–087R3, dated March 2, 2026. This material specifies procedures for inspections and functional checks of the pitch trim actuator and measurement of the pitch trim actuator travel time. These documents are distinct because they apply to different airplane models. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the Referenced Material

Although the material specifies to submit certain information to the manufacturer, this AD does not include that requirement.

Costs of Compliance

The FAA estimates that this AD affects 198 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Measure pitch trim actuator travel time.	3 work-hours × $85 per hour = $255.	$0	$255 per cycle	$50,490 per cycle.
Inspect pitch trim actuator	3 work-hours × $85 per hour = $255.	0	$255 per inspection cycle	$50,490 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Seal pitch trim actuator rod ends	2 work-hours × $85 per hour = $170	$149	$319
Replace pitch trim actuator	5 work-hours × $85 per hour = $425	20,000	20,425

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–21–13 Ontic Engineering and Manufacturing, Inc. (Type Certificate Previously Held by Swearingen, Fairchild Aircraft, and M7 Aerospace): Amendment 39–23502; Docket No. FAA–2026–2723; Project Identifier AD–2024–00429–A.

(a) Effective Date

This airworthiness directive (AD) is effective December 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Ontic Engineering and Manufacturing, Inc. (type certificate previously held by Swearingen, Fairchild Aircraft, and M7 Aerospace) model and serial number airplanes, certificated in any category, as identified in paragraphs (c)(1) and (2) of this AD.

(1) Group 1 airplanes: Model SA226–T, SA226–AT, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–PC, and SA227–TT (300) airplanes, all serial numbers with a pitch trim actuator Simmonds-Precision part number (P/N) DL5040M5, DL5040M6, or DL5040M8 installed.

(2) Group 2 airplanes: Model SA227–CC and SA227–DC (C–26B), all serial numbers with a pitch trim actuator Simmonds-Precision P/N DL5040M5, DL5040M6, or DL5040M8 installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 2731, Elevator Tab Control System.

(e) Unsafe Condition

This AD was prompted by reports of in-flight pitch trim actuator failure. The FAA is issuing this AD to prevent moisture intrusion into the pitch trim actuator body through the rod end keyway and pitch trim actuator piston. The unsafe condition, if not addressed, could result in pitch trim actuator failure and reduced control of the airplane.

(f) Compliance

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

(g) Definitions

For the purpose of this AD:

(1) A new part is a pitch trim actuator with zero-hours time-in-service (TIS).

(2) An overhauled part is a pitch trim actuator that has zero hours TIS since the last overhaul.

(h) Required Actions for Model Group 1 Airplanes

(1) For all affected airplanes, at whichever compliance time in paragraph (h)(1)(i) or (ii) of this AD occurs later, inspect the ram of each actuator, specifically the pitch trim actuator rod ends, to determine if the sealant is cracked, missing, or compromised in accordance with Step 2.B.7, of the Accomplishment Instructions in Ontic Engineering and Manufacturing, Inc. SA227 Service Bulletin (SB) 227–27–067R3 dated March 2, 2026, (Ontic SB 227–27–067R3) or Ontic Engineering and Manufacturing, Inc. SA226 Service Bulletin 226–27–087R3 dated March 2, 2026, (Ontic SB 226–27–087R3), as applicable for your airplane.

(i) Within 1,000 flight hours or 6 calendar months since the pitch trim actuator was put into service, whichever occurs first; or

(ii) Within 30 days after the effective date of this AD.

(2) For affected airplanes with any pitch trim actuator whose rod ends have been found to have cracked, missing, or compromised sealant per the inspection in paragraph (h)(1) of this AD, and have at least 1,000 flight hours or at least 6 calendar months, whichever is less since the pitch trim actuator was put into service, before further flight, replace the pitch trim actuator with a new or overhauled pitch trim actuator and install and seal the pitch trim actuator in accordance with the Accomplishment Instructions, Step 2.B.8, Ontic SB 227–27–067R3 or Ontic SB 226–27–087R3, as applicable for your airplane.

(3) For affected airplanes with any pitch trim actuator whose rod ends have been found to have cracked, missing, or compromised sealant per the inspection in paragraph (h)(1) of this AD, and have less than 1,000 flight hours or 6 calendar months, whichever is less since the pitch trim actuator was put into service, before further flight, inspect and apply sealant to the pitch

trim actuator in accordance with the Accomplishment Instructions, Step 2.B., of Ontic SB 227–27–067R3 or Ontic SB 226–27–087R3, as applicable for your airplane.

(4) For all affected airplanes, repetitively inspect and seal the pitch trim actuator every 1,000 flight hours or every 12 calendar months, whichever occurs first, after the inspection required in paragraph (h)(1), in accordance with the Accomplishment Instructions, Step 2.B., Ontic SB 227–27–067R3 or Ontic SB 226–27–087R3, as applicable for your airplane.

(5) For all affected airplanes, at whichever compliance time in paragraph (h)(1)(i) or (ii) of this AD occurs later, measure the pitch trim actuator travel time in accordance with the Accomplishment Instructions, Step 2.A., Ontic SB 227–27–067R3 or Ontic SB 226–27–087R3, as applicable for your airplane.

(i) If either pitch trim actuator rod does not meet travel time criteria, before further flight, replace the pitch trim actuator with a new or overhauled pitch trim actuator.

(ii) If both pitch trim actuator rods meet travel time criteria, repeat the measurement of the pitch trim actuator at intervals specified below in table 1 to paragraph (h)(5)(ii) of this AD.

TABLE 1 TO PARAGRAPH (h)(5)(ii)—GROUP 1 REPETITIVE MEASUREMENT INTERVALS

Condition	Repetitive measurement interval
For airplanes that have an original Simmonds-Precision pitch trim actuator, P/N DL5040M5, installed.	Intervals not to exceed 250 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a replacement Simmonds-Precision pitch trim actuator, P/N DL5040M5, installed where both nut tube assemblies, P/N AA56142, were not replaced with new assemblies.	Intervals not to exceed 250 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a replacement Simmonds-Precision pitch trim actuator, P/N DL5040M5, installed where both nut tube assemblies, P/N AA56142, were replaced with new assemblies.	Intervals not to exceed 300 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a replacement Simmonds-Precision pitch trim actuator, P/N DL5040M6, installed. This part can be new, modified from a P/N DL5040M5 pitch trim actuator, or overhauled.	Intervals not to exceed 300 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a Simmonds-Precision pitch trim actuator P/N DL5040M8, installed.	Intervals not to exceed 300 flight hours or 6 calendar months, whichever occurs first.

(6) If any affected pitch trim actuator was replaced with a pitch trim actuator that makes the airplane a Group 1 airplane, the actions of this AD still apply at the applicable compliance times.

(i) Required Actions for Group 2 Airplanes

(1) For all affected airplanes, at whichever compliance time in paragraph (i)(1)(i) or (ii) of this AD occurs later, inspect the ram of each actuator, specifically the pitch trim actuator rod ends, to determine if the sealant is cracked, missing, or compromised, in accordance with the Accomplishment Instructions, Step 2.B.7, SA227 Commuter Category Series Service Bulletin CC7–27–038R3, dated January 27, 2026 (Ontic SB CC7–27–038R3).

(i) Within 1,000 flight hours or 6 calendar months since the pitch trim actuator was put into service, whichever occurs first; or

(ii) Within 30 days after the effective date of this AD.

(2) For affected airplanes with any pitch trim actuator whose rod ends have been found to have cracked, missing, or compromised sealant per the inspection in paragraph (i)(1) of this AD, and have at least 1,000 flight hours or at least 6 calendar months, whichever is less since the pitch trim actuator was put into service, before further flight, replace the pitch trim actuator with a new or overhauled pitch trim actuator and install and seal the pitch trim actuator in accordance with the Accomplishment Instructions, Step 2.B.8, Ontic SB CC7–27–038R3.

(3) For affected airplanes with any pitch trim actuator whose rod ends have been found to have cracked, missing, or compromised sealant per the inspection in paragraph (i)(1) of this AD, and have less than 1,000 flight hours or 6 calendar months, whichever is less since the pitch trim actuator was put into service, before further flight, inspect and apply sealant to the pitch trim actuator in accordance with the Accomplishment Instructions, Step 2.B., Ontic SB CC7–27–038R3.

(4) For all affected airplanes, repetitively inspect and seal the pitch trim actuator every 1,000 flight hours or every 12 calendar months, whichever occurs first, after the inspection required in paragraph (i)(1), in accordance with the Accomplishment Instructions, Step 2.B., Ontic SB CC7–27–038R3.

(5) For all affected airplanes, at whichever compliance time in paragraph (i)(1)(i) or (ii) of this AD occurs later, measure the pitch trim actuator travel time in accordance with the Accomplishment Instructions, Step 2.A., Ontic SB CC7–27–038R3.

(i) If either pitch trim actuator rod does not meet travel time criteria, before further flight, replace the pitch trim actuator with a new or overhauled pitch trim actuator.

(ii) If both pitch trim actuator rods meet travel time criteria, repeat the measurement of the pitch trim actuator at intervals specified below in table 2 to paragraph (i)(5)(ii) of this AD.

TABLE 2 TO PARAGRAPH (i)(5)(ii)—GROUP 2 REPETITIVE MEASUREMENT INTERVALS

Condition	Repetitive measurement interval
For airplanes that have an original Simmonds-Precision pitch trim actuator, P/N DL5040M5, installed.	Intervals not to exceed 250 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a replacement Simmonds-Precision pitch trim actuator, P/N DL5040M5, installed where both nut tube assemblies, P/N AA56142, were not replaced with new assemblies.	Intervals not to exceed 250 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a replacement Simmonds-Precision pitch trim actuator, P/N DL5040M5, installed where both nut tube assemblies, P/N AA56142, were replaced with new assemblies.	Intervals not to exceed 300 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a Simmonds-Precision pitch trim actuator, P/N DL5040M6, installed.	Intervals not to exceed 300 flight hours or 6 calendar months, whichever occurs first.
For airplanes that have a Simmonds-Precision pitch trim actuator P/N DL5040M8, installed.	Intervals not to exceed 300 flight hours or 6 calendar months, whichever occurs first.

(6) If any affected pitch trim actuator was replaced with a pitch trim actuator that makes the airplane a Group 2 airplane, the actions of this AD still apply at the applicable compliance times.

(j) Installation Prohibition for All Airplane Models in Both Group 1 and Group 2

As of the effective date of this AD, do not install a pitch trim actuator unless, upon installation, the procedures in Step 2.C Return to Service of each applicable Service Bulletin referenced in paragraphs (h)(1) or (i)(1) of this AD are followed.

(k) No Reporting Requirement

Although the applicable Service Bulletins referenced in paragraphs (h)(1) and (i)(1) of this AD specify submission of certain information to the manufacturer, this AD does not include those reporting requirements.

(l) Credit for Previous Actions

(1) You may take credit for the actions required by paragraphs (h)(1) of this AD if those actions were performed before the effective date of this AD using Ontic Engineering and Manufacturing, Inc. SA227 Service Bulletin 227–27–067R2, dated November 8, 2024; Ontic Engineering and Manufacturing, Inc. SA226 Service Bulletin 226–27–087R2, dated November 8, 2024; Ontic Engineering and Manufacturing, Inc. SA227 Service Bulletin 227–27–067R1, dated August 16, 2024; or Ontic Engineering and Manufacturing Inc. SA227 Service Bulletin 227–27–067, dated July 29, 2024.

(2) You may take credit for the actions required by paragraphs (i)(1) of this AD if those actions were performed before the effective date of this AD using Ontic Engineering and Manufacturing, Inc. SA227 Commuter Category Series Service Bulletin CC7–27–038R2, dated November 8, 2024.

(m) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(n) Alternative Methods of Compliance (AMOCs)

The Manager, East Certification Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the East Certification Branch, send it to the attention of the person identified in paragraph (o)(1) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(o) Additional Information

(1) For more information about this AD, contact Trevor Carlton, Aviation Safety Engineer, FAA, East Certification Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5597; email: *ECB-COS@faa.gov*.

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

(p) Material Incorporated by Reference

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

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

(i) Ontic Engineering and Manufacturing, Inc. SA227 Commuter Category Series, Service Bulletin CC7–27–038R3, dated January 27, 2026.

(ii) Ontic Engineering and Manufacturing, Inc. SA227 Service Bulletin 227–27–067R3, dated March 2, 2026.

(iii) Ontic Engineering and Manufacturing, Inc. SA226 Service Bulletin 226–27–087R3, dated March 2, 2026.

(3) For Ontic Engineering and Manufacturing, Inc. material identified in this AD, contact Ontic Engineering and Manufacturing, Inc., 1176 Telecom Drive, Creedmoor, NC 27522; phone: (919) 956–4300; email: *metroliner@ontic.com;* website: *metromerlin.com*.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1100 Main, Kansas City, MO 64105. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on October 23, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21902 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11815; Project Identifier MCAI–2026–00154–R; Amendment 39–23499; AD 2026–21–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model SA 365 N helicopters. This AD was prompted by reports of tightening torque loss on the input flange nut due to circular wear on the faces of the flange, the slip ring, and the input flange. This condition, if not addressed, could lead to degradation or jamming of the input roller bearings and loss of yaw control of the helicopter. This AD requires repetitive functional inspections (checks) and, depending on the results of the inspections, corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 12, 2026.

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

The FAA must receive comments on this AD by December 11, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11815; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–11815.

FOR FURTHER INFORMATION CONTACT: Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5257; email: *anthony.b.kenward@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–11815; Project Identifier MCAI–2026–00154–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0029, dated February 12, 2026 (EASA AD 2026–0029) (also referred to as the MCAI), to correct an unsafe condition on all Airbus Helicopters Model SA 365 N helicopters. The MCAI states that occurrences were reported of a tightening torque loss on the input flange nut, due to circular wear on the faces of the flange, the slip ring, and the input flange. This condition, if not addressed, could lead to degradation or jamming of the input roller bearings and loss of yaw control of the helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11815.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2026–0029, which specifies procedures for repetitive functional checks (inspections) of the tail gear box part number 365A33500000 for non-displacement of the tail gear box (TGB) input flange and, depending on the results of the inspections, corrective actions. These corrective actions include gauging the non-displacement of the input flange with a comparator gauge and contacting Airbus Helicopters for a repair solution before resuming flights if the comparator gauge confirms a value more than or equal to 0.1 millimeters (.0039 inches), as specified in the service material referenced in EASA AD 2026–0029.

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

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2026–0029, described previously as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between this AD and the MCAI'' for a discussion of the general differences included in this AD.

Differences Between This AD and the Referenced Material

Where EASA AD 2026–0029 and the material referenced in EASA AD 2026–0029 specify to contact Airbus Helicopters if the comparator gauge confirms a value more than or equal to 0.03 mm, or after completing an oil sample analysis, this AD requires corrective actions to be done in accordance with a method approved by the Manager, International Validation Branch, FAA; EASA; or Airbus Helicopters Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2026–0029 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2026–0029 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0029 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0029. Material required by EASA AD 2026–0029 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–11815 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

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

make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

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

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–21–10 Airbus Helicopters: Amendment 39–23499; Docket No. FAA–2026–11815; Project Identifier MCAI–2026–00154–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters SA 365 N helicopters, certified in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6520, Tail rotor gearbox.

(e) Unsafe Condition

This AD was prompted by reports of tightening torque loss on the input flange nut due to circular wear on the faces of the flange, the slip ring, and the input flange. This condition, if not addressed, could lead to degradation or jamming of the input roller bearings and loss of yaw control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2026–0029, dated February 12, 2026 (EASA AD 2026–0029).

(h) Exceptions

(1) Where EASA AD 2026–0029 refers to its effective date, this AD requires the effective date of this AD.

(2) Where EASA AD 2026–0029 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where EASA AD 2026–0029 or the material referenced in EASA AD 2026–0029 specifies ''check'', this AD requires replacing that text with ''inspection''.

(4) Where EASA AD 2026–0029 and the material referenced in EASA AD 2026–0029 specify to contact the manufacturer if the comparator gauge confirms a value more than or equal to 0.03 mm, or after completing an oil sample analysis, this AD requires corrective actions in accordance with a method approved by the Manager, International Validation Branch, FAA; EASA; or Airbus Helicopters Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2026–0029 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5257; email: *anthony.b.kenward@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) EASA AD 2026–0029, dated February 12, 2026.

(ii) [Reserved]

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

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

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

Issued on October 19, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21854 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0003; Project Identifier AD–2024–00110–T; Amendment 39–23501; AD 2026–21–12]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 757–200 and –300 series airplanes. This AD was prompted by a report that some passenger service unit (PSU)-mounted video monitors became detached from the PSU rails during a hard landing. This AD requires replacing PSU-mounted video monitors that do not have secondary retention lanyards. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 1, 2026. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of December 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0003; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For the material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–0003.

FOR FURTHER INFORMATION CONTACT: Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3584; email: *julie.linn@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 757–200 and –300 series airplanes. The NPRM was published in the **Federal Register** on January 17, 2025 (90 FR 5754). The NPRM was prompted by a report that some PSU-mounted video monitors became detached from the PSU rails during a hard landing that did not exceed the emergency load requirements for the PSUs. In the NPRM, the FAA proposed to require replacing PSU-mounted video monitors that do not have secondary retention lanyards. The FAA is issuing this AD to address PSU-mounted video monitors that could become fully detached or be held at an unsafe height, which, if not addressed, could result in injury to passengers and impede passenger and crew egress during emergency evacuation.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one commenter, an individual, who supported the NPRM without change.

The FAA received additional comments from four commenters, including Aviation Partners Boeing, Delta Air Lines (Delta), Panasonic Avionics Corporation (Panasonic), and Precision Conversions, LLC (Precision). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Method for Determining Applicability

Delta requested that the FAA clarify that they can accomplish either a physical inspection for the existence of PSU-mounted video monitors or accomplish a review of Delta's PSU Layouts (Delta's PSU drawing configuration) to determine if this AD applies.

The FAA agrees to clarify that operators can determine if their airplanes are equipped with PSU-mounted video monitors by performing a physical inspection or a records check, provided the presence of PSU-mounted video monitors can be conclusively determined from that review; either method is acceptable to determine if this AD applies. The FAA did not change this AD in response to this comment.

Request To Revise Applicability

Precision requested that the FAA revise the applicability of the proposed AD to exclude Boeing Model 757–200 series airplanes that have been converted from passenger to freighter in accordance with a certain supplemental type certificate (STC). Precision STC ST01529SE, which converts Model 757–200 series airplanes from passenger to freighter airplanes, removes all PSU-mounted video monitors to convert the main deck into a cargo compartment, thus eliminating the unsafe condition referenced in the NPRM.

The FAA acknowledges that this AD does not apply to Model 757–200 airplanes converted to freighter in accordance with STC ST01529SE. This AD applies to Model 757–200 and –300 series airplanes equipped with PSU-mounted video monitors. Since Model 757–200 series airplanes converted to freighter in accordance with STC ST01529SE no longer have PSU-mounted video monitors installed, this AD does not apply. The FAA did not change this AD in response to this comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of blended or scimitar blended winglets per STC ST01518SE does not affect compliance with the mandated actions in the proposed rule.

The FAA agrees with the commenter that STC ST01518SE does not affect compliance with this AD. Therefore, the installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. The FAA did not change this AD in response to this comment.

Request To Revise Paragraph (e) To Clarify Safety Concerns

Panasonic requested that the FAA revise paragraph (e) of the proposed AD to include the statement, ''Although some models of PSU-mounted video monitors have not become detached under such landings, we have determined that this AD is warranted due to relative motion between the PSUs rails that drive forces exceeding the approved emergency landing conditions for the attached PSU-mounted monitors.'' Panasonic asserted that the improvement action for Panasonic monitors involves an enhancement to its fail-safe design and is not a result of correcting any defect or noncompliance in the PSU-mounted monitor assemblies themselves. Panasonic requested this change to avoid potentially misleading operators that Panasonic monitors have become detached because they did not meet the existing emergency landing requirements they were designed to meet.

The FAA acknowledges the commenter's concern. The FAA is unaware of Panasonic monitors that have become detached during hard landings that did not exceed emergency landing requirements. However, paragraph (e) of this AD specifies that some, not all, PSU-mounted video monitors became detached. The FAA did not change this AD in response to this comment.

Requests To Include Panasonic Service Bulletins as an Accepted Method of Compliance

Delta requested that the FAA allow the use of Panasonic Service Bulletin RDAA902940–01–44–07 Revision 5, dated December 5, 2024, or RDAA902941–01–44–07 Revision 6, dated December 13, 2024, to meet the requirements of the proposed AD. Delta stated that the affected part numbers (P/Ns) installed on their fleet are P/N RD–AA902940–01 and P/N RD–AA902941–01, which are addressed by the Panasonic service bulletins noted, and requested the FAA add these service bulletins as a method of compliance for the requirements of the proposed AD.

Panasonic requested that the FAA include Panasonic Service Bulletin SB141908–44–002 as an accepted corrective action for the proposed AD but did not provide the specified service bulletin to the FAA. Panasonic asserted that the effectivity of Boeing Special Attention Requirements Bulletin 757–25–0321 RB does not include airplanes with STC alterations that would be affected by the NPRM and suggested that adding this service bulletin as an accepted method of compliance would reduce the FAA's efforts to support alternative methods of compliance (AMOC) requests to address airplanes installed with FAA STC ST03183NY.

The FAA disagrees. Paragraph (g)(3) of this AD already requires airplanes not identified in the effectivity paragraph of either Boeing service bulletin to perform the required actions with an approved AMOC. At this time, the FAA does not have enough data to approve Panasonic Service Bulletin RDAA902940–01–44–07 Revision 5, dated December 5, 2024, RDAA902941–01–44–07 Revision 6, dated December 13, 2024, or Panasonic Service Bulletin SB141908–44–002 as an accepted method of compliance for this AD. The FAA did not change this AD in response to these comments.

Additional Changes to the Final Rule

Since the FAA issued the NPRM, Boeing published Boeing Special Attention Requirements Bulletins 757–25–0320 RB, Revision 1, and 757–25–0321 RB, Revision 1, both dated August 6, 2025. The revised service information specifies an additional inspection of the inboard PSU rail to determine rail lightening hole configuration and applicable on-condition actions, because the original issue could not be complied with to address the unsafe condition. The revised service information adds instructions for installing lanyard retention brackets at locations that do not have 1.0-inch diameter holes in the PSU rail to support secondary retention lanyard installation and at locations that have temperature sensors installed in the inboard PSU rail area, where the existing holes do not allow for correct lanyard installation.

The FAA has revised this AD to mandate Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025, and Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025. The FAA has revised paragraph (i) of this AD to add credit for previous actions for airplanes that completed Boeing Special Attention Requirements Bulletin 757–25–0320 RB, dated January 19, 2024, and redesignated subsequent paragraphs accordingly.

The revised service information also provides updated cost information. The FAA has revised the cost estimate in this final rule to reflect the updated cost information.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletins 757–25–0320 RB, Revision 1, and 757–25–0321 RB, Revision 1, both dated August 6, 2025. This material specifies procedures for replacing all PSU-mounted video monitors that do not have secondary retention lanyards with PSU-mounted video monitors that have secondary retention lanyards, performing a detailed inspection of the inboard PSU rail, and applicable on-condition actions. On-condition actions include attaching the secondary retention lanyard to either the adjacent 1-inch holes in the inboard PSU rail or installing a retention bracket on the inboard PSU rail and attaching the secondary retention lanyard to the retention bracket. These documents are distinct since Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025, addresses airplanes with certain Burrana monitors, and Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025, addresses airplanes with certain Panasonic monitors. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 85 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per monitor	Cost on U.S. operators
Replacement (Burrana monitors—airplanes identified in Boeing Special Attention Requirements Bulletin 757-25-0320 RB, Revision 1, dated August 6, 2025).	3 work-hours × $85 per hour = $255, per monitor.	$2,734	$2,989	Up to $3,748,206 *(38 airplanes).
Replacement (Panasonic monitors—airplanes identified in Boeing Special Attention Requirements Bulletin 757-25-0321 RB, Revision 1, dated August 6, 2025).	3 work-hours × $85 per hour = $255, per monitor.	$354	$609	Up to $743,589 * (37 airplanes).
Replacement (monitors for airplanes not identified in the Boeing service information).	Up to 3 work-hours × $85 per hour = $255, per monitor.	Up to $2,734	Up to $2,989	Up to $986,370 * (10 airplanes).

* An airplane may have up to 33 monitors.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–21–12 The Boeing Company: Amendment 39–23501; Docket No. FAA–2025–0003; Project Identifier AD–2024–00110–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200 and –300 series airplanes, certificated in any category, equipped with passenger service unit (PSU)-mounted video monitors.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by a report that some PSU-mounted video monitors became detached from the PSU rails during a hard landing that did not exceed the emergency load requirements for the PSUs. The FAA is issuing this AD to address PSU-mounted video monitors that could become fully detached or be held at an unsafe height, which, if not addressed, could result in injury to passengers and impede passenger and crew egress during emergency evacuation.

(f) Compliance

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

(g) Required Actions

(1) For airplanes identified in Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025.

Note 1 to paragraph (g)(1): Guidance for accomplishing the actions required by paragraph (g)(1) of this AD can be found in Boeing Special Attention Service Bulletin 757–25–0320, Revision 1, dated August 6, 2025, which is referred to in Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025.

(2) For airplanes identified in Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, August 6, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025.

Note 2 to paragraph (g)(2): Guidance for accomplishing the actions required by paragraph (g)(2) of this AD can be found in Boeing Special Attention Service Bulletin 757–25–0321, Revision 1, dated August 6, 2025, which is referred to in Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025.

(3) For airplanes not identified in paragraph (g)(1) or (2) of this AD: Within 60 months after the effective date of this AD, replace all PSU-mounted video monitors that do not have secondary retention lanyards with PSU-mounted video monitors that have secondary retention lanyards, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025, refer to the original issue date of Requirements Bulletin 757–25–0320 RB, this AD requires using the effective date of this AD.

(2) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025, refer to the original issue date of Requirements Bulletin 757–25–0321 RB, this AD requires using the effective date of this AD.

(3) Where Boeing Special Attention Requirements Bulletins 757–25–0320 RB, Revision 1, and 757–25–0321 RB, Revision 1, both dated August 6, 2025, specify contacting Boeing for alternative installation instructions and doing the installation, this AD requires doing the installation using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Requirements Bulletin 757–25–0320 RB, dated January 19, 2024.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Additional Information

(1) For more information about this AD, contact Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3584; email: *julie.linn@faa.gov.*

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

(l) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Requirements Bulletin 757–25–0320 RB, Revision 1, dated August 6, 2025.

(ii) Boeing Special Attention Requirements Bulletin 757–25–0321 RB, Revision 1, dated August 6, 2025.

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

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

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

Issued on October 21, 2026.

Brian Knaup,

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

[FR Doc. 2026–21864 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11816; Project Identifier MCAI–2026–00790–R; Amendment 39–23503; AD 2026–22–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS350B2, AS350B3, AS355N, AS355NP, and EC130B4 helicopters. This AD was prompted by a report of a release of the load on the cargo hook without manual release initiation by the pilot. This AD requires inspecting the load dropping control system, inspecting the manual release lever for free play, and, depending on the results, performing corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 12, 2026.

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

The FAA must receive comments on this AD by December 11, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11816; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–11816.

FOR FURTHER INFORMATION CONTACT: Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5152; email: *anthony.b.kenward@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–11816; Project Identifier MCAI–2026–00790–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0146, dated July 24, 2026 (EASA AD 2026–0146) (also referred to as ''the MCAI''), to correct an unsafe condition on all Airbus Helicopters Model AS 350 B2, AS 350 B3, AS 355 N, AS 355 NP, and EC 130 B4 helicopters. The MCAI states a report was received of a loss of a collapsible bucket during water pickup when the load released from the cargo hook without manual release initiation by the pilot. Subsequent investigation revealed that the release mechanism could not be properly adjusted due to the poor condition of the release activation cable, which appeared to be twisted and, therefore, no longer met the tolerances for the cable length.

The FAA is issuing this AD to prevent unintended loss of the load on the cargo hook. The unsafe condition, if not addressed, could result in in-flight loss of a cargo load and cause injury to persons on the ground.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–11816.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2026–0146, which specifies procedures for inspecting the load dropping control of the cargo swing installation without removal from the helicopter. EASA AD 2026–0146 also requires repetitively inspecting the required free play of the manual release lever and the correct functioning of the dropping control of the mechanical emergency release system of the cargo swing installation. Depending on the results of the inspections, EASA AD 2026–0146 further specifies procedures for removing the load dropping control from the helicopter and visually inspecting the dropping control, adjusting the cargo swing emergency release control or replacing the dropping control.

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

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2026–0146, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between this AD and the MCAI'' for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI

The MCAI specifies the ''check'' for free play of the manual release lever may be accomplished by a pilot (owner/operator), whereas this AD refers to that action as an ''inspection'' and requires those inspections to be accomplished by persons authorized under 14 CFR 43.3.

Interim Action

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

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2026–0146 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2026–0146 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0146 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0146. Material required by EASA AD 2026–0146 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–11816 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the unintended in-flight loss of the load on the cargo hook could result in injury to persons on the ground. Specifically, the inspections must be accomplished within 50 sling cycles or within 30 days, whichever occurs first after the effective date of this AD. Additionally, the compliance time of this AD is shorter than the time necessary for public comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 1,134 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect (one-time) dropping control (not removed).	1 work-hour × $85 per hour = $85	$0	$85	$96,390.
Inspect (repetitively) the manual release lever.	1 work-hour × $85 per hour = $85 per inspection.	0	$85 per inspection ...	$96,390 per inspection.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspect and adjust dropping control (removed)	2 work-hours × $85 per hour = $170	$0.00	$170
Replace and adjust dropping control	1 work-hour × $85 per hour = $85	1,200	1,285

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–22–01 Airbus Helicopters: Amendment 39–23503; Docket No. FAA–2026–11816; Project Identifier MCAI–2026–00790–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS350B2, AS350B3, AS355N,

AS355NP, and EC130B4 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by a report of a release of the load on the cargo hook without manual release initiation by the pilot. The FAA is issuing this AD to prevent the unintended loss of the load on the cargo hook. The unsafe condition, if not addressed, could result in in-flight loss of cargo load and cause injury to persons on the ground.

(f) Compliance

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

(g) Required Actions

(1) Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with European Union Aviation Safety Agency AD 2026–0146, dated July 24, 2026 (EASA AD 2026–0146).

(2) For purpose of this AD, a ''sling cycle'' is defined as one landing with or without stopping the rotor or one external load-carrying operation; an external load-carrying operation occurs each time a helicopter picks up an external load and drops it off.

(h) Exceptions to EASA AD 2026–0146

(1) Where EASA AD 2026–0146 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2026–0146 specifies ''a 'visual check'', this AD requires replacing that text with ''an 'inspection''.

(3) Where EASA AD 2026–0146 specifies a ''check for free play'', this AD requires replacing that text with ''inspection for free play''.

(4) Where paragraph (2) of EASA AD 2026–0146 specifies ''mission'', this AD requires replacing that text with ''operation''.

(5) Where Note 1 of paragraph (2) of EASA AD 2026–0146 allows the check for free play to be accomplished by a suitably authorized pilot, this AD requires that action be accomplished by persons authorized under 14 CFR 43.3.

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0146.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2026–0146 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Anthony Kenward, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5152; email: *anthony.b.kenward@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0146, dated July 24, 2026.

(ii) [Reserved]

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

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

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

Issued on October 20, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21856 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2725; Project Identifier AD–2025–00999–T; Amendment 39–23497; AD 2026–21–08]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–700, –700C, –800, and –900ER series airplanes. This AD was prompted by a leak through the form-in-place (FiP) gasket at the engine fuel shutoff valve access panel found during a leak check. This AD requires a detailed inspection of the left- and right-side FiP gasket at the engine fuel shutoff valve access panel for correct sealant installation, a fluid leak test of the engine fuel shutoff valve access panels for any leak, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2725; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–2725.

FOR FURTHER INFORMATION CONTACT: Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–700, –700C, –800, and –900ER series airplanes. The NPRM was published in the **Federal Register** on March 26, 2026 (91 FR 14654). The NPRM was prompted by a leak through

the FiP gasket at the engine fuel shutoff valve access panel found during a leak check, completed as part of a nonconformance disposition for the Boeing Company Model 737–8, 737–9, and 737–8200 airplanes. An investigation found that the fairing requirements of the engine fuel shutoff valve access panel caused thin regions of the FiP gasket, which caused the manufacturer to apply non-permitted sealant after the initial FiP gasket had cured, resulting in an uneven sealing surface on the engine fuel shutoff valve access panel and leak. In the NPRM, the FAA proposed to require a detailed inspection of the left- and right-side FiP gasket at the engine fuel shutoff valve access panel for correct sealant installation, a fluid leak test of the engine fuel shutoff valve access panels for any leak, and applicable on-condition actions. The FAA is issuing this AD to address incorrect or missing sealant installation. The unsafe condition, if not addressed, could result in fuel leaking onto the engine exhaust nozzle and a possible fire on the ground.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from an anonymous commenter who supported the NPRM without change.

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

Request To Combine Proposed ADs

American requested that the FAA rescind the proposed AD and instead add the affected airplanes and proposed requirements to another proposed AD (Docket No. FAA–2026–2716, Project Identifier AD–2025–00990–T). American noted, although the proposed ADs reference different service information and different airplane models, both proposed ADs would mandate similar requirements. American stated consolidating these actions into a single NPRM would improve clarity and enhance compliance management without changing the technical intent of the inspection or impacting airplane airworthiness.

The FAA disagrees with this request. The FAA acknowledges that some operators may prefer to address the unsafe condition with a single AD; however, other operators may prefer that the FAA issue two separate ADs. Additionally, when the manufacturer develops two separate service bulletins to address an unsafe condition on different airplane models, proceeding with two separate ADs, in general, allows the FAA to address the unsafe condition on all airplane models in a timely manner. For example, if development of one service bulletin is delayed, the rulemaking process would be delayed for all affected airplane models.

Effect of Winglets on Accomplishment of the Proposed Actions

APB stated that the blended or split scimitar winglets installed per Supplemental Type Certificate (STC) ST00830SE does not affect compliance with the proposed requirements.

The FAA agrees that the installation of STC ST00830SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request To Clarify Applicability Difference

United requested the FAA clarify why the applicability of the proposed AD was expanded beyond the effectivity of Boeing Alert Requirements Bulletin 737–57A1359 RB, dated October 3, 2025 (original issue of the Boeing Alert Requirements Bulletin). United stated this clarification would assist operators in understanding the unsafe condition and ensure consistent implementation across the affected fleet.

The FAA expanded the applicability of the AD based on a report from the manufacturer indicating that certain airplanes were incorrectly excluded from the effectivity of the original issue of the Boeing Alert Requirements Bulletin. The missed airplanes are associated with the service information mandated by AD 2013–08–18, Amendment 39–17435 (78 FR 25377, May 1, 2013). Those airplanes had the FiP gasket incorporated in production, but a fluid leak test was not required as part of AD 2013–08–18 and its associated service information. Since the same non-conformance may have been introduced in production on those airplanes, the FAA concluded those airplanes must be included in the applicability of this AD.

Further, after issuance of the NPRM, Boeing issued Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026 (Revision 1 of the Boeing Alert Requirements Bulletin), to include the additional airplane serial numbers referenced in the applicability of the proposed AD. Therefore, the FAA has updated paragraph (c) of this AD to reference Revision 1 of the Boeing Alert Requirements Bulletin.

Request To Remove Exceptions to Service Information Instructions

American requested that the FAA remove the exceptions in paragraphs (h)(2), (3), and (4) from the proposed AD and instead adopt the instructions in the compliance tables and appendices of the original issue of the Boeing Alert Requirements Bulletin. American stated that the language in the service information sufficiently defines the corrective action, and that retaining this information helps maintain consistency and minimizes the potential for misinterpretation.

The FAA notes that the exception in paragraph (h)(2) is necessary because the ''on-condition corrective action(s)'' specified in tables 1 and 2 of the Compliance and Accomplishment Instructions of the original issue of the Boeing Alert Requirements Bulletin are not defined in that bulletin. Similarly, the exceptions in paragraphs (h)(3) and (4) are necessary because Appendices A and B of the original issue of the Boeing Alert Requirements Bulletin do not explicitly specify to replace the FiP gasket if any leak is found during the fluid leak test. However, the FAA reviewed Revision 1 of the Boeing Alert Requirements Bulletin and determined that Revision 1 negates the need for the exceptions in paragraphs (h)(2), (3), and (4) of the proposed AD. Therefore, the FAA has revised paragraph (g) of this AD to require accomplishing all the applicable actions in Revision 1 of the Boeing Alert Requirements Bulletin. Additionally, the FAA has added paragraph (i) to this AD to provide credit for accomplishing the actions in paragraph (g) of this AD before the effective date of this AD using the original issue of the Boeing Alert Requirements Bulletin, except as provided by the exceptions in paragraphs (i)(1) through (3) of this AD.

Request To Clarify Post-AD Requirements

Southwest asked if the FAA agrees that, after completing the actions required by this AD, an alternative method of compliance (AMOC) is not required to maintain the airplane per the Boeing aircraft maintenance manual (AMM). Southwest stated a certain task in the Boeing AMM provides instructions that vary subtly from the procedures in Boeing Alert Requirements Bulletin 737–57A1359 RB.

The FAA agrees that an AMOC is not needed to maintain the airplane after complying with the requirements of this AD if the airplane is maintained per the Boeing AMM. The FAA notes that the unsafe condition was introduced during airplane production through the application of non-permitted sealant after the initial FiP gasket had cured. Since the FAA has not received any reports of in-service events where anomalies were introduced during maintenance based on AMM instructions, the FAA considers the relevant AMM tasks to be appropriate. Further, Boeing has updated the AMM task to include notes to prevent sealant touch-up after the initial sealant application. Boeing has also updated the AMM procedures for the fluid leak test to match the procedures in the required service information. Those updates in the AMM instructions are expected to support operators for improved maintenance of the FiP gasket installed at the engine fuel shutoff valve access panel.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026. This material specifies procedures for a detailed inspection of the FiP gasket at the engine fuel shutoff valve access panel of the left- and right-side wing for correct sealant installation, a fluid leak test of the engine fuel shutoff valve access panels for any leak, and applicable on-condition actions. On-condition actions include replacing the FiP gasket, repairing any leaks, and repeating the leak test until no leak is found.

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

Costs of Compliance

The FAA estimates that this AD affects 1,030 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$87,550
Leak test	1 work-hour × $85 per hour = $85	0	85	87,550

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	2 work-hours × $85 per hour = $170	Negligible	$170.

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–21–08 The Boeing Company: Amendment 39–23497; Docket No. FAA–2026–2725; Project Identifier AD–2025–00999–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–700, –700C, –800, and –900ER series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a leak through the form-in-place (FiP) gasket at the engine fuel shutoff valve access panel found during a leak check. An investigation found that the fairing requirements of the engine fuel shutoff valve access panel caused thin regions of the FiP gasket, which caused non-permitted sealant to be applied after the initial FiP gasket had cured, resulting in an uneven sealing surface on the engine fuel shutoff valve access panel and leak. The FAA is issuing this AD to address incorrect or missing sealant installation. The unsafe condition, if not addressed, could result in fuel leaking onto the engine exhaust nozzle and a possible fire on the ground.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1359, Revision 1, dated June 25, 2026, which is referred to in Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026.

(h) Exceptions to Requirements Bulletin Specifications

Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026, refer to the original issue date of Requirements Bulletin 737–57A1359 RB, this AD requires using the effective date of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Requirements Bulletin 737–57A1359 RB, dated October 3, 2025, except as specified by paragraphs (i)(1) through (3) of this AD:

(1) Where Table 1 and Table 2 in the Compliance and Accomplishment Instructions paragraphs of Boeing Alert Requirements Bulletin 737–57A1359 RB, dated October 3, 2025, specifies ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, do all applicable on-condition corrective action(s) and repeat the leak test until no leak is found'', this AD requires replacing that text with ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, replace the FiP gasket and repeat the leak test until no leak is found''.

(2) Where step 4.b. of Appendix A in Boeing Alert Requirements Bulletin 737–57A1359 RB, dated October 3, 2025, specifies ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed'', this AD requires replacing that text with ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed. Replace the FiP gasket in accordance with Figure 3 and repeat the leak test until no leak is found''.

(3) Where step 4.b. of Appendix B in Boeing Alert Requirements Bulletin 737–57A1359 RB, dated October 3, 2025, specifies ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed'', this AD requires replacing that text with ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed. Replace the FiP gasket in accordance with Figure 4 and repeat the leak test until no leak is found''.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

(1) For more information about this AD, contact Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

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

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–57A1359 RB, Revision 1, dated June 25, 2026.

(ii) [Reserved]

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

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

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

Issued on October 20, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–21862 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2716; Project Identifier AD–2025–00990–T; Amendment 39–23496; AD 2026–21–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–8, 737–9, and 737–8200 airplanes. This AD was prompted by a leak through the form-in-place (FiP) gasket found during a leak check. This AD requires a detailed inspection of the FiP gasket at the engine fuel shutoff valve access panel for correct sealant installation, or a detailed inspection at the engine fuel shutoff valve access panel for any damage on the preformed seal, depending on configuration; a fluid leak test of the engine fuel shutoff valve access panel for any leak; and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 1, 2026. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2716; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–2716.

FOR FURTHER INFORMATION CONTACT: Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–8, 737–9, and 737–8200 airplanes. The NPRM was published in the **Federal Register** on March 23, 2026 (91 FR 13791). The NPRM was prompted by a leak through the FiP gasket at the engine fuel shutoff valve access panel found during a leak check, completed as part of a nonconformance disposition for the Boeing Company Model 737–8, 737–9, and 737–8200 airplanes. An investigation found that the fairing requirements of the engine fuel shutoff valve access panel caused thin regions of the FiP gasket, which caused the manufacturer to apply non-permitted sealant after the initial FiP gasket had cured, resulting in an uneven sealing surface on the engine fuel shutoff valve access panel and a fuel leak. In the NPRM, the FAA proposed to require a detailed inspection of the FiP gasket at the engine fuel shutoff valve access panel for correct sealant installation, or a detailed inspection at the engine fuel shutoff valve access panel for any damage on the preformed seal, depending on configuration; a fluid leak test of the engine fuel shutoff valve access panel for any leak; and applicable on-condition actions. The FAA is issuing this AD to address incorrect or missing sealant installation. The unsafe condition, if not addressed, could result in fuel leaking onto the engine exhaust nozzle and a possible fire on the ground.

Discussion of Final Airworthiness Directive

Comments

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

The FAA received additional comments from American Airlines (American) and Southwest Airlines (Southwest). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Combine Proposed ADs

American requested that the FAA revise the proposed AD by incorporating the affected airplanes and proposed requirements from another proposed AD (Docket No. FAA–2026–2725, Project Identifier AD–2025–00999–T) and then rescind that other proposed AD. American noted, although the proposed ADs reference different service information and different airplane models, both proposed ADs would mandate similar corrective requirements. American stated consolidating these actions into a single NPRM would improve clarity and enhance compliance management without changing the technical intent of the inspection or impacting airplane airworthiness.

The FAA disagrees with this request. The FAA acknowledges that some operators may prefer to address the unsafe condition with a single AD; however, other operators may prefer that the FAA issue two separate ADs. Additionally, when the manufacturer develops two separate service bulletins to address an unsafe condition on different airplane models, proceeding with two separate ADs, in general, allows the FAA to address the unsafe condition on all airplane models in a timely manner. For example, if development of one service bulletin is delayed, the rulemaking process would be delayed for all affected airplane models.

Request To Remove Exceptions to Service Information Instructions

American requested that the FAA remove the exceptions in paragraphs (h)(3), (5), and (6) from the proposed AD and instead adopt the instructions in the compliance tables and appendices of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025 (the Boeing Alert Requirements Bulletin). American stated that the language in the service information sufficiently defines the corrective action by referencing figure 4, and that retaining this information helps maintain consistency and minimizes the potential for misinterpretation.

The FAA notes that the exceptions in paragraph (h)(3) are necessary because the ''on-condition corrective action(s)'' in tables 1 and 2 of the Compliance and Accomplishment Instructions of the Boeing Alert Requirements Bulletin are not defined in that bulletin. Similarly, the exceptions in paragraphs (h)(5) and (6) are necessary because Appendices A and B of the Boeing Alert Requirements Bulletin do not explicitly specify to replace the FiP gasket if the fluid leak

test fails. Therefore, the exceptions in paragraphs (h)(3), (5), and (6) are necessary to clarify what on-condition corrective actions must be taken after a fluid leak test failure. The FAA has not revised this AD in response to this comment.

Request To Clarify Post-AD Requirements

Southwest asked if the FAA agrees that, after completing the actions required by this AD, an alternative method of compliance (AMOC) is not required to maintain the airplane per the Boeing aircraft maintenance manual (AMM). Southwest stated a certain task in the Boeing AMM provides instructions that vary subtly from the procedures in the Boeing Alert Requirements Bulletin.

The FAA agrees that an AMOC is not needed to maintain the airplane after complying with the requirements of this AD if the airplane is maintained per the Boeing AMM. The FAA notes that the unsafe condition was introduced during airplane production through the application of non-permitted sealant after the initial FiP gasket had cured. Since the FAA has not received any reports of in-service events where anomalies were introduced during maintenance based on AMM instructions, the FAA considers the relevant AMM tasks to be appropriate. Further, Boeing has updated the AMM task to include notes to prevent sealant touch-up after the initial sealant application. Boeing has also updated the AMM procedures for the fluid leak test to match the procedures in the Boeing Alert Requirements Bulletin. Those updates in the AMM instructions are expected to support operators for improved maintenance of the FiP gasket or preformed seal installed at the engine fuel shutoff valve access panel.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025. This material specifies procedures for a detailed inspection of the FiP gasket at the engine fuel shutoff valve access panel of the left and right wing for correct sealant installation, or a detailed inspection at the engine fuel shutoff valve access panel of the left and right wings for any damage on the preformed seal, depending on configuration; a fluid leak test of the engine fuel shutoff valve access panel for any leak; and applicable on-condition actions. On-condition actions include replacing the FiP gasket, repairing damage to the preformed gasket, and repeating the leak test until no leak is found.

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

Costs of Compliance

The FAA estimates that this AD affects 433 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection for sealant application	1 work-hours × $85 per hour = $85	$0	$85	Up to $36,805.
Inspection for damage	1 work-hour × $85 per hour = $85	0	85	Up to $36,805.
Leak test	1 work-hour × $85 per hour = $85	0	85	$36,805.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 3 work-hours × $85 per hour = $255	Up to $1,000	Up to $1,255.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs to the preformed gasket specified in this AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–21–07 The Boeing Company: Amendment 39–23496; Docket No. FAA–2026–2716; Project Identifier AD–2025–00990–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–8, 737–9, and 737–8200 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a leak through the form-in-place (FiP) gasket found during a leak check. An investigation found that the fairing requirements of the engine fuel shutoff valve access panel caused thin regions of the FiP gasket, which caused non-permitted sealant to be applied after the initial FiP gasket had cured, resulting in an uneven sealing surface on the engine fuel shutoff valve access panel and a fuel leak. The FAA is issuing this AD to address incorrect sealant installation and damage to preformed seals. The unsafe condition, if not addressed, could result in fuel leaking onto the engine nozzle and a consequent fire on the ground.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1358, dated November 17, 2025, which is referred to in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, refer to the original issue date of Requirements Bulletin 737–57A1358 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Where Table 1 and Table 2 in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, do all applicable on-condition corrective action(s) and repeat the leak test until no leak is found'', this AD requires replacing that text with ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, replace the FiP gasket and repeat the leak test until no leak is found''.

(4) Where Table 3 and Table 4 in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, do all applicable on-condition corrective action(s) and repeat the leak test until no leak is found'', this AD requires replacing that text with ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, replace the existing sealant installation with a removable fay seal and repeat the leak test until no leak is found''.

(5) Where step 4.b. of Appendix A in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed'', this AD requires replacing that text with ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed. Replace the FiP gasket in accordance with Figure 3 (Group 1) and removable fay seal in accordance with Figure 7 (Group 2), and repeat the leak test until no leak is found''.

(6) Where step 4.b. of Appendix B in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed'', this AD requires replacing that text with ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed. Replace the FiP gasket in accordance with Figure 4 (Group 1) and removable fay seal in accordance with Figure 8 (Group 2), and repeat the leak test until no leak is found''.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

(1) For more information about this AD, contact Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

(ii) [Reserved]

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

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

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

Issued on October 20, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–21863 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8782; Project Identifier MCAI–2025–01560–T; Amendment 39–23504; AD 2026–22–02]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A330–941 airplanes. This AD was prompted by an occurrence of a triple ''PRIM FAULT'' in the Flight Control Primary Computer (FCPC) at touchdown. This AD requires the installation of a new FCPC standard and applicable concurrent modifications. This AD also prohibits the installation of certain parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 1, 2026. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–8782; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–8782.

FOR FURTHER INFORMATION CONTACT: Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *frank.carreras@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A330–941 airplanes. The NPRM was published in the **Federal Register** on August 19, 2026 (91 FR 53542). The NPRM was prompted by EASA AD 2025–0208, dated September 24, 2025 (EASA AD 2025–0208) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states an occurrence was reported of a triple ''PRIM FAULT'' at touchdown, leading to the loss of ground spoilers, thrust reversers, and autobrake. An investigation determined the root cause was an undue triggering of the rudder order ''COM/MON'' monitoring in the three FCPCs. This condition, if not corrected, could result in the loss of autobrake and thrust reversers, possibly resulting in reduced control of the airplane. Airbus issued instructions for the installation of a new FCPC standard.

In the NPRM, the FAA proposed to require the installation of a new FCPC standard and applicable concurrent modifications as specified in EASA AD 2025–0208. The NPRM also proposed to prohibit the installation of certain parts, as specified in EASA AD 2025–0208. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8782.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0208 specifies procedures for the installation of a new FCPC standard by replacing the FCPCs, replacing the FCPC on board replaceable module (OBRMs), or reprogramming the FCPC OBRMs. EASA AD 2025–0208 further specifies that applicable concurrent modifications to the FCPC must be done (*i.e.,* FCPC, flight management, guidance and envelope computer (FMGEC), flight warning computer (FWC), and electronic instrument system (EIS) standard upgrades). EASA AD 2025–0208 also specifies parts installation restrictions allowing installation of only a serviceable FCPC.

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

Costs of Compliance

The FAA estimates that this AD affects 39 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 23 work-hours × $85 per hour = $1,955	Up to $7,542	Up to $9,497	Up to $370,383.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–22–02 Airbus SAS: Amendment 39–23504; Docket No. FAA–2026–8782; Project Identifier MCAI–2025–01560–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A330–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0208, dated September 24, 2025 (EASA AD 2025–0208).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an occurrence of a triple ''PRIM FAULT'' at touchdown, leading to loss of ground spoilers, thrust reversers, and autobrake. The FAA is issuing this AD to update the Flight Control Primary Computer (FCPC) standard, which if not addressed, could result in the loss of autobrake and thrust reversers, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0208.

(h) Exceptions to EASA AD 2025–0208

(1) Where EASA AD 2025–0208 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0208.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Additional Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0208, dated September 24, 2025.

(ii) [Reserved]

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

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

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

Issued on October 21, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–21861 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1326; Project Identifier MCAI–2025–00312–R; Amendment 39–23498; AD 2026–21–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635T2+, MBB–BK 117 C–2, and MBB–BK 117 D–2 helicopters. This AD was prompted by reports of cracks on the cable drum of the rescue hoist assembly. This AD requires repetitively inspecting the cable drum of certain rescue hoist assemblies for cracks and, depending on the results, replacing or repairing the cable drum of the rescue hoist assembly. This AD also prohibits the operation and the installation of an affected rescue hoist assembly on a helicopter, unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–1326; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–1326.

FOR FURTHER INFORMATION CONTACT: Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: *steven.r.warwick@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain AHD Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, EC635T2+, MBB–BK 117 C–2, and MBB–BK 117 D–2 helicopters. The NPRM was published in the **Federal Register** on February 13, 2026 (91 FR 6795). The NPRM was prompted by an MCAI, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2025–0055, dated March 11, 2025 (EASA AD 2025–0055) (also referred to as the MCAI). The MCAI states that cracks were reported on a cable drum installed on certain part-numbered Goodrich rescue hoist assemblies. Additionally, the material referenced in the MCAI states that Goodrich determined that this occurrence was isolated to a batch of cable drums made from a plate material, which was determined to have increased susceptibility to corrosion-induced fatigue. This unsafe condition, if not addressed, could result in corrosion-induced fatigue of the cable drum, and consequent injuries to human load or individuals on the ground.

In the NPRM, the FAA proposed to require repetitively inspecting the cable drum of certain rescue hoist assemblies for cracks and depending on the results, replacing or repairing the cable drum of the rescue hoist assembly. Additionally, in the NPRM the FAA proposed to prohibit the operation and the installation of an affected rescue hoist assembly on a helicopter, unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

Additionally, since the FAA issued the NPRM, it was determined that the special flight permit restriction specified in paragraph (j) of the proposed rule is no longer needed. Accordingly, the FAA has revised this final rule by removing the special flight permit paragraph.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters. The commenters were AHD, Onboard Systems Hoist and Winch, and an individual commenter. The following discussion presents the comments received on the NPRM and the FAA's response to these comments.

Request To Clarify Affected Parts

An individual commenter requested that the FAA specify the affected part by serial number, part number, and manufacturing batches that have the highest risk. The commenter also stated that by including this information, it will avoid unnecessary repeated inspections which may delay rescue missions.

The FAA disagrees with specifying or limiting this final rule by adding the serial number, part number, or manufacturing batch information. The AD already incorporates this information by reference, and the serial numbers associated with a subset of the affected part numbers are identified in the incorporated MCAI. Additionally, manufacturing batch information is not necessary to determine the affected parts, and all of the identified part numbers present an equivalent level of risk; none represent a ''highest risk'' category as suggested by the commenter. The FAA did not change this AD as a result of this comment.

Request To Revise Inspection Requirements

One individual commenter requested that the FAA clarify why only visual inspections are required and not other forms of testing or inspections. The commenter stated that visual inspections may not detect small, undetectable cracks that are caused by corrosion, which may grow faster than expected. The commenter further stated that by including this information, it will help determine how often inspections must occur to ensure safe cable drums.

The FAA infers the commenter is requesting the inspection methods increase to other forms of inspections and not just visual inspections alone. The FAA disagrees with revising the inspection method outside of the requirements that were proposed in the NPRM. EASA, the State of Design authority for these helicopters, determined the appropriate inspection methodology and criteria for the required inspections. The FAA agrees with EASA. The FAA did not change this AD as a result of this comment.

Request To Revise the Inspection Requirements

AHD and Onboard Systems Hoist and Winch (Onboard Systems) both requested that the FAA revise or remove the inspection requirements of paragraphs (h)(3) and (4) of the proposed AD.

Onboard Systems requested the FAA revise paragraph (h)(3) of the proposed AD by allowing maintenance personnel a limited compliance time to confirm indications of a crack with personnel at Airbus Helicopters or Onboard Systems Hoist and Winch prior to repairs. Onboard Systems stated the inspection process was carefully considered to ensure that cracks are detected well before they pose any risk of fracture, while also preventing the removal of essential search and rescue assets from service for misidentified indications. Additionally, Onboard Systems stated that they would have the operator send detailed images of the indication and if the indication could not be identified as benign, then they would require removing the part from the helicopter. AHD stated the proposed inspection as specified in paragraph (h)(3) of the proposed AD implies further changes to the inspection process, which could eliminate the 3mm minimum crack size criteria.

The FAA disagrees with Onboard System request to revise the compliance time to confirm indications because the FAA may prioritize immediate action upon detection of potential safety concerns, such as cracks, to eliminate any risk of fracture that could compromise safety. However, the FAA agrees to revise paragraph (h)(3) of this AD by removing the criteria for contacting the Manager, International Validation Branch, or Airbus Helicopters' Design Organizational Approval if any cracks or suspected cracks longer than 3mm in length are found.

Onboard Systems requested the FAA remove paragraph (h)(4) of the proposed AD. Onboard Systems stated if using more than 6X magnification and no minimum threshold, the risk of false indications increases exponentially. AHD requested the FAA remove paragraph (h)(4) of the proposed AD or revise by removing the words ''or higher.'' AHD stated the use of such high magnification could increase misidentifications or surface cracks, leading to false-positive indications. AHD stated this inspection deviations could lead to false-positive indications and the unnecessary grounding of search and rescue assets.

The FAA acknowledges the commenter's concern to prevent unnecessary actions that may remove important resources essential to rescue missions and the FAA has determined that a crack length of 3 mm is too small to accurately detect with the unaided eye (1x magnification). However, the FAA agrees that a 4X–6X magnification is sufficient. Accordingly, the FAA has revised paragraph (h)(4) of this AD to specify that 4X–6X magnification is required for the visual inspection.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0055, which specifies procedures for repetitively inspecting the cable drum installed on the rescue hoist assembly for cracks longer than 3 mm and, depending on the results, contacting the manufacturer for approved repair instructions. Additionally, the MCAI allows the installation of an affected rescue hoist assembly on a helicopter if it meets certain requirements. Finally, the MCAI prohibits the operation of an affected rescue hoist assembly after a certain effective date as specified in the MCAI.

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

Differences Between This AD and the MCAI

The MCAI applies to AHD Model EC635 P2+, EC635 P3, EC635 T1, and EC635 T3 helicopters, whereas this AD does not because those models do not have an FAA type certificate.

Where the MCAI specifies to contact the manufacturer for repair instructions, this AD requires repairing an affected rescue hoist assembly in accordance with a method approved by the Manager, International Validation Branch; EASA; or Airbus Helicopters' Design Organization Approval.

Costs of Compliance

The FAA estimates that this AD affects 476 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect the cable drum	1 work-hour × $85 per hour = $85	$0	$85	$40,460

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

ESTIMATED COSTS FOR OPTIONAL ACTION

Action	Labor cost	Parts cost	Cost per product
Replace rescue hoist assembly	3.5 work-hours × $85 per hour = $298	$123,000	$123,298

The FAA has no way of determining the cost to repair a rescue hoist assembly or the number of helicopters that may require either repair or replacement of the rescue hoist assembly if any cracks are found in the cable drum that are of a certain length or more.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–21–09 Airbus Helicopters Deutschland GmbH (AHD): Amendment 39–23498; Docket No. FAA–2026–1326; Project Identifier MCAI–2025–00312–R.

(a) Effective Date

This airworthiness directive (AD) is effective December 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model EC135P1, EC135P2, EC135P2+, EC135P3, EC135T1, EC135T2, EC135T2+, EC135T3, and EC635T2+ helicopters, certificated in any category, all serial numbers (S/N) up to 1999; and Model MBB–BK 117 C–2 and MBB–BK 117 D–2 helicopters, certificated in any category, all S/Ns.

Note 1 to paragraph (c): Helicopters with an EC135P3H designation are Model EC135P3 helicopters. Helicopters with an EC135T3H designation are Model EC135T3 helicopters.

Note 2 to paragraph (c): Helicopters with an MBB–BK 117 C–2e designation are Model MBB–BK 117 C–2 helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of cracks on the cable drum of the rescue hoist assembly. The FAA is issuing this AD to detect and correct cable drums installed on certain rescue hoist assemblies that have been manufactured with a certain plate material that could result in corrosion-induced fatigue of the cable drum. This unsafe condition, if not addressed, could result in failure of the cable drum and injuries to human load or individuals on the ground.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0055, dated March 11, 2025 (EASA AD 2025–0055).

(h) Exceptions to EASA AD 2025–0055

(1) Where EASA AD 2025–0055 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0055 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where paragraph (2) of EASA AD 2025–0055 and the material referenced in EASA AD 2025–0055 specifies to contact a manufacturer for repair instructions, for this AD repair an affected rescue hoist assembly in accordance with a method approved by the Manager, International Validation Branch, FAA; EASA; or Airbus Helicopters' Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) Where the material referenced in EASA AD 2025–0055 specifies ''magnifying glass 6X maximum,'' this AD requires replacing that text with ''4X–6X magnification''.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0055.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0055 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation

Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Steven Warwick, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5225; email: *steven.r.warwick@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0055, dated March 11, 2025.

(ii) [Reserved]

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

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

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

Issued on October 19, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–21855 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

28 CFR Part 25

[Docket No. FBI–159; AG Order No. 7257–2026]

RIN 1110–AA35

Bipartisan Safer Communities Act of 2022—Criteria for National Instant Criminal Background Check System (''NICS'') Background Checks of Firearm Handlers

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Final rule.

SUMMARY: The United States Department of Justice (''Department'') is amending several of its regulations pertaining to the National Instant Criminal Background Check System (''NICS'' or ''system'') of the Federal Bureau of Investigation (''FBI'') to authorize Federal Firearm Licensees (''FFLs'' or ''licensees'') to use NICS for purposes of voluntarily conducting employment background checks relating to certain current or prospective FFL employees. This final rule describes in more detail how, upon its effective date, FFLs will be able to conduct ''firearm handler background checks'' (''FHCs'') of ''eligible employees.''

DATES: This final rule is effective November 27, 2026.

FOR FURTHER INFORMATION CONTACT: Jill A. Montgomery, Assistant Section Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division, NICS Section; Telephone: (304) 625–0606 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Executive Summary
II. Background
III. Notice of Proposed Rulemaking
IV. Analysis of Comments and Department Responses
V. Final Rule
VI. Statutory and Executive Order Review
VII. Disclosure
VIII. Severability

I. Executive Summary

A. Summary of the Regulatory Action

As part of combatting firearms trafficking and straw purchasing and advancing other goals, Congress passed the Bipartisan Safer Communities Act (''BSCA''), requiring the Attorney General, in relevant part, to promulgate regulations authorizing licensees to voluntarily use NICS as part of the licensees' employment background checks of current or prospective FFL employees. *See* Public Law 117–159, sec. 12004, 136 Stat. 1313, 1326–1332 (2022); 34 U.S.C. 40901(b)(2). On December 12, 2024, the Department published a Notice of Proposed Rulemaking (''NPRM'') in the **Federal Register** seeking comments on the Department's proposed revisions to 28 CFR part 25 that, if finalized, would allow FFLs to voluntarily conduct FHCs of eligible FFL employees. *See* Bipartisan Safer Communities Act of 2022—Criteria for National Instant Criminal Background Check System (''NICS'') Background Checks of Firearm Handlers, 89 FR 100424 (Dec. 12, 2024). With limited exceptions discussed in Section V of this rule, the amendments to 28 CFR part 25 will be finalized as proposed in the NPRM.

B. Summary of Costs and Benefits

As proposed in the NPRM, this rule will impose little to no costs upon FFLs, eligible employees, or any State, local, or Tribal governmental entities. First, FFLs are not required by the rule to submit FHCs; FFLs may volunteer to submit FHCs. Similarly, FFLs will only incur minimal costs in terms of time and system upgrades if they opt to submit FHCs. Second, to submit an FHC, the eligible employee must have provided their informed, written consent for the background check. Agencies acting as ''points of contact'' (''POCs'') during NICS checks for firearm transfers will not be required to process FHCs unless they voluntarily choose to add FHC-related duties to their existing POC duties. POC duties are discussed further in Section II.A of this rule. Finally, this rule does not obligate State, local, and Tribal governmental entities to respond to FHC-related requests from the FBI or POCs.

Once effective, this rule will benefit FFLs that choose to submit FHCs by letting them know whether information available to NICS indicates the eligible employee is, or may be, prohibited from receiving or possessing firearms or ammunition. Having such information can assist FFLs in making informed determinations about whether that person should have employment duties that may involve access to firearms, ammunition, or their manufacturing components. This rule will also benefit public safety by implementing another mechanism that can keep more prohibited persons from being placed in positions that would otherwise afford them with access to firearms, ammunition, or their manufacturing components.

II. Background

A. Regulatory Context

BSCA made changes to Federal law regarding, among other things, firearms trafficking and the straw purchasing of firearms. *See* BSCA sec. 12004, 136 Stat. at 1326–1332. For instance, BSCA created new criminal offenses and increased punishments for some existing firearms-related offenses. *See id.* sec. 12004(a)(1), 136 Stat. at 1326–27 (*e.g.,* adding 18 U.S.C. 932 and 933). BSCA also provided for a new, voluntary use of NICS, requiring the Attorney General to promulgate regulations that will allow FFLs to access NICS ''for purposes of voluntarily conducting an employment background

check relating to a current or prospective employee.'' *Id.* sec. 12004(h)(1)(B), 136 Stat. at 1330.

FFLs may inadvertently employ prohibited persons, who would then have access to firearms or ammunition through their employment duties and who may be able to use that access to engage in illegal firearms trafficking or straw purchases, or to otherwise illegally possess or use firearms. This rule's expanded authorization for FFLs to use NICS to conduct NICS checks regarding certain current or prospective FFL employees is an additional tool to help prevent those illegal actions by reducing opportunities that some prohibited persons might otherwise have had to gain access to firearms, ammunition, or their manufacturing components.

B. The System

1. NICS Procedure

The Brady Handgun Violence Prevention Act (''Brady Act'') required the Attorney General to establish NICS, which is a system that certain FFLs must contact before selling or otherwise transferring a firearm. Public Law 103–159, sec. 103, 107 Stat. 1536, 1541–43 (1993). Specifically, the Brady Act requires persons licensed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') as manufacturers, dealers, or importers to initiate a NICS background check when seeking to transfer firearms to individuals who are not FFLs. *See* 18 U.S.C. 922(t)(1); *see also* 18 U.S.C. 921(a)(9)–(11) (defining ''importer,'' ''manufacturer,'' and ''dealer'').[1] NICS provides, when possible, immediate information on whether receipt or possession of a firearm by an unlicensed person would be prohibited. *See* 18 U.S.C. 922(t)(1). The FBI manages and operates NICS by delegation of the Attorney General pursuant to 28 CFR 25.3. The NICS Section of the FBI's Criminal Justice Information Services Division processed the first NICS background check on November 30, 1998.[2]

An FFL initiates a NICS background check by contacting the FBI's NICS Section [3] or a State or local law enforcement agency known as a POC—*i.e.,* certain State or local law enforcement agencies with express or implied authority to perform NICS inquiries and respond to FFLs with the results. *See* 28 CFR 25.2, 25.6(a), (d).[4] Relevant databases searched during NICS background checks are the NICS Index (now called the ''NICS Indices''),[5] the National Crime Information Center (''NCIC''), and the Interstate Identification Index (''III''). *See* 28 CFR 25.2, 25.4, 25.6; *see also* 89 FR 100425–100426. The NICS Indices is a database of information provided by Federal, State, local, and Tribal agencies about persons who are prohibited from receiving firearms under Federal or State law. *See* 28 CFR 25.2. After initiating background checks for the prospective transfer of firearms, FFLs receive one of three responses from NICS: ''Proceed,'' ''Delayed,'' or ''Denied.'' 28 CFR 25.6(c)(1)(iv).

There are other NICS uses authorized by Federal law or regulation. *See* 89 FR 100426. Until this final rule, however, the Department has expressly prohibited FFLs from initiating NICS background checks for any purpose other than the prospective transfer of firearms as required by the Brady Act. *See* 28 CFR 25.6(a).

III. The Notice of Proposed Rulemaking

On December 12, 2024, the Department published its NPRM proposing various amendments to 28 CFR part 25 that the Department believed would be necessary to implement the use of NICS for FHCs. *See* 89 FR 100424. The comment period for the NPRM concluded at 11:59 p.m. on January 13, 2025, with 25 total public comments received.

The NPRM proposed changes to existing NICS regulations that would allow FFLs to voluntarily submit ''firearm handler background checks'' (*i.e.,* FHCs) to the NICS. It was proposed that FFLs could submit these FHCs for persons who are or would be considered ''firearm handlers'' as well as other ''eligible employees.'' The NPRM defined each of these terms and also discussed exclusions.[6] Both BSCA and the NPRM discussed that FFLs would have the discretion, under Federal law, to submit FHCs. State, local, or Tribal law(s) may mandate that some or all FFL employees be subjected to some level of background check, but those are matters outside of this rulemaking.

The NPRM noted that FFLs will not be able to submit an FHC without first providing notice to and obtaining written consent from the eligible employee. *See* 89 FR 100427 (citing 34 U.S.C. 40901(b)(2)(B)).[7] The NPRM discussed that one proposed method for FFLs to collect all necessary information from the eligible employee before submitting an FHC would be through a new form from ATF. *See id.* 100432 (discussing ATF's proposed Form 5300.47).[8]

The NPRM anticipated some POCs would be processing FHCs but acknowledged that the NICS Section would likely process FHCs for many

[1] ATF's licensing authority is generally described in 18 U.S.C. 923. Persons licensed under 18 U.S.C. 923(b) as ''collectors'' are not required to conduct NICS transactions when transferring curios or relics under 18 U.S.C. 922(t), *see* 34 U.S.C. 40901(j)(1) (defining ''licensee''); however, they are required to undergo a NICS check when purchasing a firearm other than a curio or relic.

[2] *See* National Instant Criminal Background Check System Regulation, 63 FR 58303, 58303 (Oct. 30, 1998).

[3] *See* 89 FR 100425 n.3 (discussing how ''the NICS Section'' was formerly known as the ''NICS Operation Center'' until July 24, 2002).

[4] 28 CFR 25.2 defines ''POC (Point of Contact)'' as ''[a] state or local law enforcement agency serving as an intermediary between an FFL and the federal databases checked by the NICS.'' That provision further provides that a POC will receive NICS background check requests from FFLs, check State or local record systems, perform NICS inquiries, determine whether matching records provide information demonstrating that an individual is disqualified from possessing a firearm, and respond to FFLs with the results of a NICS background check. In addition, a POC must be an agency with express or implied authority to perform POC duties pursuant to State statute, regulation, or executive order. POCs perform NICS inquiries on either all or only a subset of the NICS background checks FFLs submit in the POC's State. *See NICS Participation Map,* FBI, *https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/about-nics* (last visited Aug. 10, 2026).

[5] The NICS Index has become known by most NICS users as the ''NICS Indices.'' The Department has proposed revisions, here and within another NPRM, to update references to the ''NICS Index'' to the ''NICS Indices.'' *See* Bipartisan Safer Communities Act of 2022 and Consolidated Appropriations Act of 2022—Implementation Revisions for National Instant Criminal Background Check System (NICS), 89 FR 100404 (Dec. 12, 2024); *see also* proposed 28 CFR 25.2, 25.4–25.6, 25.8, and 25.9 (as this rule revises).

[6] The NPRM proposed that, with exceptions, a ''firearm handler'' would ''include . . . a person who has or may have an opportunity to access firearms or ammunition because of [their] duties as an employee of an FFL, regardless of whether the employee's duties include or may include the actual or constructive transfer or handling of firearms or ammunition.'' 89 FR 100427. ''Responsible Persons'' were defined and excluded from FHCs because they are already subject to background checks, including NICS checks, by ATF. *Id.* 100430. The NPRM also proposed ''that licensed manufacturers may submit FHCs for persons who do not have access to firearms or ammunition, but whose employment duties allow or may allow them access to the materials or tools used in firearms or ammunition manufacturing.'' *Id.* 100427, 100430 (similar). Further, the NPRM noted FHCs ''would not be available for any employee who does not or will not have employment duties that would allow the employee access to firearms or ammunition or any materials or tools necessary to manufacture firearms or ammunition.'' *Id.* 100427.

[7] The NPRM noted that it was not written to address all employment-related matters that may arise should an FFL voluntarily begin submitting FHCs. *See id.* 100432 & n.39. The Department encourages FFLs to consult with their own legal counsel for individualized legal advice on what may or may not be authorized from an employment law perspective under State, local, or Tribal law.

[8] As discussed below in Sections IV.C and V of this preamble, ATF is no longer proposing to create the Form 5300.47. That change is one of only a few of the NPRM's proposals that this final rule updates or modifies.

POCs. *See id.* 100429. The NPRM proposed that during FHCs, FFLs would receive new responses from NICS; FFLs were proposed to receive either ''Pass,'' ''Pending,'' or ''Did Not Pass.'' *See* 89 FR 100427. The new terminology was proposed to clearly distinguish FHC responses from the responses of ''Proceed,'' ''Delayed,'' or ''Denied,'' that the NICS provides during background checks for firearm transfers submitted pursuant to 18 U.S.C. 922(t). *See* 89 FR 100427, 100430. The NPRM discussed how FFLs should not construe ''Did Not Pass'' responses from the NICS as telling the FFLs that those subjects could not be hired at all for other positions that would not have a nexus to firearms or ammunition. *See* 89 FR 100427.

The NPRM stated that FFLs would receive a ''NICS transaction number'' (''NTN'') for each FHC they submit, *see id.* 100436, but that no prospective transfer date would be provided with FHC responses of ''Pending.'' [9] FHCs do not involve a firearm transfer and are not required by 34 U.S.C. 40901(b)(2) to be processed in any particular amount of time, whereas Federal law allows FFLs to transfer firearms after three business days if the FFL has not yet been informed the transfer was ''Denied.'' *See* 18 U.S.C. 922(t)(1)(B)–(C); 28 CFR 25.6(c)(1). Providing FFLs with a transfer date during FHCs was therefore deemed—and is—unnecessary.

The NPRM proposed that, after submitting an FHC, the licensee would not be able to review the record sources searched during the FHC, nor would NICS provide the FFL with any of the underlying information reviewed during the FHC. *See* 89 FR 100436 (proposing amendments to 28 CFR 25.6(c)). This exchange with FFLs would mirror the existing process used during prospective firearm transfers, which similarly limits dissemination of, and access to, record sources and information reviewed by NICS. *See* 28 CFR 25.6(c)(2). The NPRM also proposed that FFLs would generally be limited to one FHC per eligible employee every 12 months, but also noted circumstances where subsequent queries would be allowed. 89 FR 100431–100432.

The NPRM also proposed appeal rights that would be available when NICS has determined the eligible employee ''Did Not Pass'' their FHC. *See id.* 100430–100431. Such an individual would be able to appeal that result ''in the same manner and to the same extent as if the individual had been the subject of a background check relating to the transfer of a firearm.'' 34 U.S.C. 40901(b)(2)(D). The NPRM noted that the Department interpreted BSCA's appellate mandate to include all processes similarly available to persons who received a ''Denied'' response following a prospective firearm transfer, and therefore an administrative challenge (appeal) of an FHC ''Did Not Pass'' response would also include the ability of the subject of the FHC to request the reason for a ''Did Not Pass'' response, as well as submit a Voluntary Appeal File application and bring a civil action under 18 U.S.C. 925A. *See* 89 FR 100431.

The NPRM did not propose any requirement that participating FFLs retain records of their FHC submissions for any particular amount of time. In a separate rulemaking, the Department suggested that participating FFLs retain FHC documentation for at least 90 days; keeping such paperwork even for a limited time (particularly if NICS provides a ''Did Not Pass'' response) can help in later proceedings and document that the FFL was appropriately using NICS. *See* 91 FR 24417. Neither the FBI nor ATF rulemakings have proposed provisions that would affect any State, local, or Tribal laws that may require FFLs to conduct background checks of certain employees or to retain those records.

In addition, the NPRM discussed the severability of each proposal the NPRM put forth in the unlikely event that any individual provision were to be invalidated in litigation. *Id.* 100432. Consequently, the NPRM proposed a severability provision be added to 28 CFR 25.1. *Id.* 100434. Further conforming amendments were proposed to 28 CFR 25.1, 25.2, 25.6, 25.8, 25.10, and 25.11 to establish procedures for FHCs that are separate from those concerning prospective firearm transfers. *Id.* 100434–100435, 100436–100439. Amendments to 28 CFR 25.8 proposed technical and security safeguards to have in place while submitting FHCs. *Id.* 100437. Lastly, the NPRM proposed revisions to 28 CFR 25.11 to reflect the Department's ability to institute monetary or access sanctions, or both, for misuse of NICS during FHCs. *Id.* 100439.

IV. Analysis of Comments and Department Responses

Subsections in Section IV

A. Issues Raised in Support of the Rule

B. Issues Raised in Opposition to the Rule

C. Concerns with Specific Proposed Provisions

A. Overview of Comments

The Department received 25 comments in response to the NPRM. The Department considers most comments (approximately 80 percent) to have been neutral or expressed support for the NPRM's proposals. The remaining comments expressed opposition to the NPRM. One comment did not address any issues presented in the NPRM and was accordingly not published on the electronic docket, nor is it addressed in this final rule.[10] The Department addresses many of the 24 published comments in the following paragraphs.

B. Issues Raised in Support of the Rule

1. General Support

As this Section notes, commenters that supported the NPRM were generally FFLs and social policy-oriented organizations. Organizational commenters were the National Shooting Sports Foundation (''NSSF''), Giffords and Giffords Law Center to Prevent Gun Violence (''Giffords''), and Everytown for Gun Safety Support Fund (''Everytown''). Commenters raised various points about why they were supportive of the NPRM. Some comments supported the rule but provided suggestions where they believed the Department could do more or where regulatory text could be enhanced.

One FFL broadly expressed support for the NPRM stating ''[a]s a gun store owner, I can wholeheartedly endorse this change[ ]'' and ''[t]his is fantastic news.'' Another FFL commented that ''[m]aking [NICS] available to employers for hiring purposes related to firearm interactions is long overdue'' while noting the FFL has historically used ''third party systems, and they don't return results in a timely manner and are not as comprehensive as'' NICS checks. NSSF and Everytown both share the sentiment of FHCs being long overdue. *See* Everytown at 1; NSSF at 7. Another gun shop owner commented FHCs ''would be invaluable to safeguarding the inventory and operations[ ],'' while another stated

[9] *Compare* 89 FR 100436 (proposing a definition of ''Pending'' without reference to timing), *with* 28 CFR 25.6(c)(1)(iv)(B) (including transfer timing as part of the definition of ''Delayed'').

[10] *See Thompson* v. *Clark,* 741 F.2d 401, 408 (D.C. Cir. 1984) (''[The Administrative Procedure Act] has never been interpreted to require the agency to respond to every comment, or to analyze every issue or alternative raised by the comments, no matter how insubstantial.''); *cf. Home Box Off., Inc.* v. *FCC,* 567 F.2d 9, 35 n.58 (D.C. Cir. 1977) (''[O]nly comments which, if true, raise points relevant to the agency's decision and which, if adopted, would require a change in an agency's proposed rule cast doubt on the reasonableness of a position taken by the agency.'').

FHCs ''will help ensure that those selling firearms are capable of doing so safely.''

One commenter noted the NPRM ''would provide guidance to ensure FHCs are not abused'' and that the proposal for FHCs to be conducted upon ''eligible employees'' would ''faithfully implement[s] Congress' intent[.]'' NSSF said, overall, they ''strongly support'' the expanded use of NICS for this new purpose. Giffords' comments said the NPRM is ''consistent with'' BSCA and noted it ''faithfully implement[s] Congress's intent in the BSCA.'' Giffords at 3. Similarly, Everytown said the NPRM should be ''promptly finalized'' as it was a ''sensible . . . well-crafted and balanced'' proposal that ''complies with BSCA[.]''

Department Responses

The Department acknowledges, appreciates, and agrees with the support provided by many commenters. This regulation, when implemented, will allow a new use of NICS by FFLs, positively impact public safety, and impose no mandated costs on FFLs or the general public. Any costs will arise only if this new NICS use, or a response to FHC record requests, is voluntarily undertaken. *See, e.g.,* 89 FR 100433–100434 (noting costs are ''likely to be small'' and ''insignificant'').

2. Mandatory Checks

Comments Received

Many comments, expressing support and opposition, incorrectly remarked in some form that FHCs were proposed as mandatory, should be mandatory, or asked, in various ways, whether a particular process would be considered equal to an FHC. One commenter stated that ''mom and pop FFLs with family units operating the business should be exempt'' from FHCs. Another said ''[t]his new requirement is not required and should not be allowed to take place.'' Another asked if someone had ''recently been approved for an NFA item wouldn't that background check suffice?'' Another asked if requiring employees to obtain a license to carry concealed firearms would ''satisfy the BSCA requirements.'' One commenter stated that '''Authorized Persons' on the FFL should automatically be exempt'' from the rule.

One FFL wanted to discuss New Jersey's status as a POC, and their processes within the context of the NPRM. They noted New Jersey was ''not an authorized [POC] in your listed states.'' That comment went on to describe a New Jersey ''pink card'' process the FFL had to complete for one of its employees, as well as how the FFL applied to ATF for the employee to be approved as a ''Responsible Person'' for the FFL. The FFL concluded by asking if those steps ''cover this new ruling? Can't imagine having to yet do more [for] employment.''

Department Response

Although Congress required the Attorney General to issue these regulations and allow this new NICS query, as explained in the NPRM and throughout this preamble, neither BSCA nor the regulations as proposed in the NPRM required that licensees use NICS for this new purpose. *See* 89 FR 100433 (noting ''this rule does not propose mandating that licensees submit FHCs''). Use of NICS for FHCs will be a completely voluntary choice under Federal law. All licensees and their eligible employees are, effectively, ''exempt'' from initiating or participating in FHCs according to Federal law. Whether an FHC is submitted to NICS is at the FFL's discretion (and upon informed consent of the employee). This rule only provides the process by which FHCs may be submitted and processed if and when the FFL decides to participate.

As to the comments and questions posed specifically about New Jersey, the Department takes the comment about ''listed states'' to be discussing how the NPRM did not specify whether New Jersey or any other POC would be receiving FHCs from FFLs. The Department agrees the NPRM was not specific in that regard as time and circumstances could change those projections. The Department understands that, at the present time, New Jersey is not anticipated to process FHCs. As to the remainder of this specific comment, the Department reiterates how the NPRM specifically proposed that ''Responsible Persons'' not be considered ''eligible employees'' for purposes of FHCs because those individuals are already subjected to background clearance through ATF (including a NICS background check) every few years. *See* 89 FR 100430. Ultimately, again, because this final rule does not require FFLs to submit FHCs or any eligible employee to consent to an FHC, it is inconsequential whether any other process FFLs use during background checks of current or prospective employees ''meets,'' ''suffices,'' ''covers,'' or is otherwise equivalent to what the NPRM proposed.

C. Neutral Comments

1. FFLs in POC States

Comments Received

One commenter noted, ''For multi-chain [FFLs] headquartered in a Point of Contact ('POC') state—please permit access to the FBI NICS E-Check system so that company HR representatives can conduct the Firearm Handler Checks.''

Department Response

The Department presumes the commenter was speaking of what the NPRM called ''big box'' FFLs headquartered in POC states that will not process FHCs. In such situations, the NICS Section will certainly be able to enroll FFLs in those POC states into NICS E-Check so that the headquarters of participating ''big box'' FFLs may submit FHCs to the FBI.

As a general matter, where larger chain or big box FFLs choose to centralize submission of FHCs through their headquartered locations, the FFL headquarters will submit FHCs of consenting eligible employees according to (i) the state(s) where the eligible employees will work, in combination with (ii) whether the state(s) have a POC that is participating in FHCs.

Scenario 1: Chain FFL XYZ (''XYZ'') has 37 stores licensed to deal firearms across POC1, POC2, POC3, and several non-POC states. All three POC states have said they will not receive FHCs for various reasons. If XYZ chooses to submit FHCs, then XYZ will submit all FHCs for consenting, eligible employees to the FBI for processing.

Scenario 2: Same facts as Scenario 1, except POC1 and POC3 have said they will receive FHCs from FFLs in their respective states. If XYZ chooses to submit FHCs, then for stores doing business in POC1 or POC3, XYZ will submit those FHCs (for consenting, eligible employees) to the designated POC agencies in those respective states. XYZ would submit any FHCs to the FBI for consenting, eligible employees of their stores doing business in POC2 as well as any of the non-POC states.

2. Suggestions for the Department

Comments Received

Everytown also provided several suggestions the Department could consider moving forward to help the FBI ''capably administer'' FHCs. It suggested that ATF ask FFL applicants about their intent to conduct FHCs as well as inquire of FFLs when renewing their licenses about the FHCs those FFLs conducted. Everytown also suggested annual statistics be reported about the number of FHCs submitted by FFLs, and

they requested the Department ensure that the FBI had sufficient staffing to process FHCs.

Another commenter suggested the ''quickest and easiest'' way to do things is to allow FFLs to run the same check as that performed on a potential purchaser.

Department Response

As to the ''quickest and easiest'' comment, FHCs will result in NICS searching the NCIC, the III, and the NICS Indices looking for available prohibiting or potentially prohibiting information about the eligible employee—so FHCs will consist of ''the same check as'' a prospective firearm transfer submitted pursuant to 18 U.S.C. 922(t).

The Department also acknowledges Everytown's suggestions and, as the Department implements FHCs, it will give them due consideration. The FBI will coordinate with ATF regarding reminders on the availability of NICS for FHCs.[11] The Department notes that ATF has a robust FFL training and education platform and routinely provides updated guidance to FFLs. The FBI intends to supplement ATF's already robust platform with FHC updates, including plans to issue annual statistics, through its annual NICS Operation's Reports, of FHCs that were conducted. Those statistics are anticipated to include similar, if not identical, statistical categories as already provided for current Brady Checks conducted pursuant to 18 U.S.C. 922(t). For example, the FBI anticipates reporting FHC statistics about administrative appeals received, as well as the number of ''Did Not Pass'' responses provided to FFLs.

Finally, as to staffing concerns, BSCA provided further funding to the Department so that staffing could be added to handle, among other impacts BSCA has had upon NICS, the unknown volume of FHCs that may be submitted. This additional funding has been extremely beneficial to the NICS Section by allowing further staff hires, but the Department will continue to assess what, if any, additional staffing may be needed once this rule has been finalized.

D. Issues Raised in Opposition to the Rule

1. Providing FFLs With Background Data; Displeasure With Current NICS Responses

Comments Received

One comment stated FHCs ''must include the immediate ability to provide the background check data to the employer/employee.'' The comment stated that denial information ''should be immediately [available] for review . . . in the same way law [enforcement] can see results of background checks.'' Finally, without further explanation, this comment expressed frustration by claiming the current processes for ''obtaining delayed or denial reasoning is arduous, burdensome, and confusing.''

Department Response

The Department disagrees that ''background check data'' (*i.e.,* records) used to arrive at any response should be provided to FFLs, and while this commenter did not provide their specific concerns with the processes for ''obtaining delayed or denial reasoning,'' the Department disagrees that existing processes are ''arduous, burdensome, and confusing.''

The NICS website has a robust platform of helpful information, including general statistics and explanations of the appeal-related processes.[12] Specific to firearm transfers that have been ''Delayed'' or ''Denied,'' the FBI also has a free ''Resolution Card'' available for FFLs to use to help individuals quickly find important information on processes that can help resolve issues whenever possible. FFLs are not required to use the Resolution Card. FFLs use the card to provide the individual with the NTN of their transaction as well as the status of that transaction at that time. From there, depending on the status, the individual is able to pursue a number of options.

If ''Denied'' a firearm transfer, the Resolution Card tells individuals how they may quickly and easily request the general reason for the denial (Request), *e.g.,* being subject to a prohibiting domestic protection order, *see* 18 U.S.C. 922(g)(8), and how the person may administratively challenge that denial (Challenge). Using the Request or Challenge processes is not required of a denied subject; they may instead seek applicable remedies by appealing a denial directly to a Federal district court. *See* 18 U.S.C. 925A.

Challenges may be sent through the FBI or, when applicable, the POC agency that denied the transaction. Responses to Requests must be provided within 5 business days, *see* 34 U.S.C. 40901(f), and Challenge responses are due within 60 days. *Id.* 40901(g). If a Challenge is unsuccessful, the FBI's response identifies why the denial is being upheld, the agency (by name and location) that provided the prohibiting record, and other information when applicable (*e.g.,* an underlying court case number, or a ''NICS Record Identifier'' that identifies a NICS Indices entry for that subject). *See* 28 CFR 25.10(c). When Challenges remain under investigation after 60 days, the challenger is provided with contact information of the agency whose record forms the basis of denial and the individual may then apply directly to that agency for correction of the record. *Id.* 25.10(c)–(d).

A Request or Challenge may be sent to the FBI via snail mail or electronically.[13] FBI subject matter experts note that nearly 90 percent of all Requests and Challenges are electronically submitted. The FBI does not charge a fee to use either process, and the FBI responds to Requests and Challenges within applicable statutory deadlines. Upon implementation of FHCs, the Resolution Card will also reflect how applicable processes may be used by subjects who ''Did Not Pass'' their FHCs or, as applicable, subjects whose FHCs are ''Pending.''

With respect to the commenter claiming underlying records should also be provided to FFLs, information that Federal, State, local, and Tribal governmental agencies (law enforcement or otherwise) share with the FBI is subject to various Federal laws that limit further dissemination of that information. *See, e.g.,* 28 U.S.C. 534;[14] 5 U.S.C. 552a;[15] 28 CFR part 20;[16] *see also* 28 CFR 25.6(j);[17] *id.*

[11] The Department notes that issuance of an FFL shall be approved by ATF if the conditions under 18 U.S.C. 923(d) are met and not conditioned on whether an FFL chooses to run an FHC.

[12] *Firearms Checks (NICS)—FBI, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics* (last visited Sept. 14, 2026).

[13] *Requesting Reason for and/or Challenging a NICS-Related Denial, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/requesting-reason-for-andor-challenging-a-nics-related-denial* (last visited Sept. 14, 2026).

[14] Pertaining to the ''[a]cquisition, preservation, and exchange of identification records and information; appointment of officials.''

[15] Pertaining to privacy protections of personal information that Federal agencies maintain.

[16] General parameters regarding Department criminal justice information systems.

[17] *Infra,* outlining the limited situations in which NICS Indices information can be used outside of background checks submitted pursuant to 18 U.S.C. 922(t).

25.9(b).[18] To the extent the commenter was speaking to a State process, that process would not be germane to the NPRM. In short, just as is the case during prospective firearm transfers, there is no viable mechanism for NICS to share an eligible employee's substantive background information with an FFL as if the FFL were a criminal justice agency. FFLs will only be provided with an NTN, as well as a response of ''Pass,'' ''Pending,'' or ''Did Not Pass.'' FFLs will not be provided the details of any record information, if any, the FBI databases provide about the subject in response to an FHC.

Congress mandated, through 34 U.S.C. 40901(b)(2)(D), that an individual who is found to be ''prohibited from possessing a firearm or ammunition pursuant to [18 U.S.C. 922(g) or (n)]'' can appeal ''in the same manner and to the same extent as if the individual had been the subject of a background check relating to the transfer of a firearm.'' Accordingly, FHC appeals of ''Did Not Pass'' responses are required to mirror the appeal process for appeals of ''Denied'' firearm transfers under the Brady Act. The appeal process for FHCs will provide the subject with an avenue to understand the reason for the ''Did Not Pass'' response as well as challenge any underlying records used in that determination.

The Department also reiterates that a ''Did Not Pass'' response signifies that available information demonstrates the individual is prohibited from possessing or handling firearms and ammunition, but the response does not prohibit the employer from employing that individual in a position that does not require the handling of or access to firearms or ammunition.

2. Punishes Law-Abiding Citizens; Improper Focus

Comments Received

One comment remarked ''another waste of money and time[ ]'' and the emphasis should be on criminals instead of ''law abiding US gun owners.''

Department Response

The Department disagrees that this rule is a waste of time or focuses on gun owners. The Department reiterates that the goal of these instant national background checks is to aid FFLs in identifying those who are prohibited by law from possessing or receiving firearms before deciding to offer them (or retaining them in) a position where they have access to or can handle firearms or ammunition while minimizing any impact such queries have upon those who are not prohibited. Gun owners were not the focus of this rule, and this rule does not affect their ability to possess or receive firearms. As the NPRM discussed, Title II of BSCA was focused on those who do, or may, unlawfully engage in straw purchases or trafficking in firearms or ammunition. *See* 89 FR 100427–100428. One aspect of Title II focused on the fact that some current or prospective FFL employees could engage in or facilitate those crimes. This rule simply expands NICS use by allowing FFLs to initiate NICS queries as part of their employment background checks and mandates no costs to FFLs, all while benefiting public safety by identifying prohibited persons. FHCs are simply a tool FFLs can utilize if, with the consent of the eligible employee, they choose to do so.

3. Fees for the FHC

Comments Received

One comment expressed that ''the employer should be the one paying for the criminal background check.''

Department Response

BSCA mandated that the Attorney General cannot charge a fee for FFLs to use NICS during FHCs. *See* 34 U.S.C. 40901(b)(2)(A). Thus, the NPRM did not propose, nor does this rule impose, a fee for FFLs to use NICS for FHCs. This rule requires that both the FFL and eligible employee choose to move forward with the FHC; otherwise, it cannot be submitted. POCs participating in receiving FHCs may, however, charge a fee, but this rule does not mandate that POCs charge a fee. The Department cannot otherwise control whether a participating POC will charge a fee to process FHCs.

To the extent the comment is concerned that Federal funds are being used to implement FHCs, Congress mandated that FFLs be allowed (but not required) to use NICS for this purpose. It is well within Congress's power to legislate how Federal funds can and cannot be used, as well as the purposes for which Federal systems, like NICS, can be used.

4. Disproportionate Impact on Minorities

Comment Received

Without further explanation, one comment claimed FHCs, ''could potentially have a disproportionate impact on minorities who have, as a subpopulation, higher rates of criminal convictions and arrests.''

Department Response

The Department disagrees with this claim. This rule merely provides the process for conducting voluntary FHCs pursuant to BSCA; neither BSCA nor this rule distinguishes between communities in the United States. FHCs were not proposed to be, and will not be, a mandate on an FFL's ultimate hiring decision(s). FHCs are simply a tool made available to FFLs as part of their decision-making process.

Further, whether the subject of an FHC has a criminal history or not, the question for NICS (in passing back an applicable response) is whether that history demonstrates the subject is or may be prohibited from receiving or possessing firearms. Finally, without multiple layers of intervening, voluntary actions by both FFLs and the eligible employees, FHCs cannot even be submitted. The individual must first choose to seek employment with an FFL; the FFL must then choose to employ that person in a position that would qualify as an ''eligible employee''; the FFL must then voluntarily choose to conduct an FHC on the individual; the individual must then choose to provide his or her informed, written consent to having an FHC submitted; and, finally, to receive a ''Did Not Pass'' response from NICS, the individual must have a background record that renders him or her ineligible to possess or receive firearms as described in 18 U.S.C. 922(t). All of those choices must align before an FHC could potentially impact the eligible employee. Even if all those conditions are met, this rule merely allows FFLs an opportunity to identify disqualified persons; FFLs are not mandated to take a particular employment action should NICS respond that the eligible employee ''Did Not Pass'' their FHC.

5. Violates the Second Amendment

Comments Received

One comment also asserted the NPRM violated the Second Amendment ''because these types of background checks for people earning a living are not authorized.''

Department Response

The Department disagrees with the comment. This rule's provisions do not burden Second Amendment rights in a way that is materially distinct from the NICS system already in place: they empower FFLs to ensure that current or prospective employees who cannot lawfully possess arms do not have access to them through their job duties. And the Department does not understand the comment to be objecting

[18] Allowing NICS Audit Log information to be shared with ''appropriate authorities'' in appropriate circumstances. *See also* 18 U.S.C. 925B.

to the constitutionality of NICS background checks writ large. Nor did the comment give any reason to conclude that the narrow, optional background checks here facially violate the Second Amendment under controlling precedent. In *New York State Rifle & Pistol Ass'n, Inc.* v. *Bruen,*[19] the Supreme Court discussed background checks for firearms-related purposes, stating:

To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' ''shall-issue'' licensing regimes, under which ''a general desire for self-defense is sufficient to obtain a [permit].'' [] Rather, it appears that these shall-issue regimes, which often require applicants to undergo a background check or pass a firearms safety course, are designed to ensure only that those bearing arms in the jurisdiction are, in fact, ''law-abiding, responsible citizens.'' [20]

The FBI will charge no fee for FHCs, and there will be no prohibition against FFLs selling firearms without running these background checks on eligible employees (although FFLs will of course still be required to comply with the Brady Act). At bottom, FFLs' ability to voluntarily run an existing background check of a consenting employee or prospective employee does not unconstitutionally burden that current or prospective employee's right to purchase, acquire, sell, or otherwise access constitutionally protected arms.

6. Paperwork Burden

Comments Received

One comment remarked that FHCs ''only represent[ ] more paperwork[,] which will be completed and sent off and stored both by the government and by the business owner.''

Department Response

The Department disagrees with these claims. The NPRM proposed, and this rule will impose, no mandates regarding any paperwork outside of noting that 34 U.S.C. 40901(b)(2) requires the FFL to collect the individual's written consent before submitting an FHC. To address FHCs and to accomplish that statutory mandate, ATF published in May 2026 two NPRMs that propose ATF's Form 5300.9 (''Form 4473'') as the vehicle for licensees to conduct FHCs, set out instructions for such use, and propose a 90-day records retention period for Forms 4473 used for that purpose.[21] In addition, ATF concurrently published an information collection notice pursuant to the Paperwork Reduction Act on revisions to Form 4473, which include adding a box to indicate that the form is being used for an FHC, and to indicate the eligible employee's written consent/certification, among other changes.[22] The Department anticipates ATF will publish guidance on how to handle FHCs in the interim, and will finalize the proposed new Form 4473 and proposed regulations to document FHCs. But this rule does not require that FFLs use a specific form. Any documentation is necessary under Federal law only if the FFL voluntarily chooses to take part in FHCs and, further, if the eligible employee consents to the FHC. This final rule requests, for best practices, that FFLs retain any paperwork for FHCs for a minimum of 90 days. ATF similarly proposed a 90-day retention period for FHCs in the ''Firearm Records Retention Periods.'' 91 FR 24417. If ATF finalizes that NPRM as drafted, then FFLs will have an obligation to retain Forms 4473 for FHCs for at least 90 days, but this current rule regarding FHCs does not impose any record retention requirement of its own. As noted previously, keeping such paperwork, even for a limited period of time, can also help document, if ever necessary, that the FFL was appropriately using NICS.

In short, the rule is unlikely to result in a significant amount of paperwork. And to the extent the rule does create paperwork burdens, they will arise from voluntary decisions and be far outweighed by the rule's benefits.

8. The Term ''Eligible Employees'' Is Too Narrow

Comments Received

Although NSSF said it ''strongly support[s]'' the expanded use of NICS for FHCs, it also expressed ''some concerns with the manner'' in which the FBI proposed implementing the expanded use. NSSF at 1. According to NSSF:

Congress did not limit or restrict access to NICS for this purpose to any subsets or specific categories of FFL employees. The Proposed Rule, however, impermissibly places such a limit on NICS [FHCs] to ''eligible employees.'' This restriction should be removed from the Proposed Rule because it is *ultra vires.*

NSSF at 2. NSSF claimed the NPRM proposals were ''far from a natural interpretation of the statute[.]'' *Id.* at 3. ''Congress specifically required by statute that FHCs be available for all current or prospective employees without limitation.'' *Id.* at 4. NSSF cited *Iancu* [23] and *Cargill* [24] as supporting its claims that the Department did not apply FHCs in the proper manner.

NSSF also provided certain statistics in an attempt to refute statistics cited by the Department in the NPRM. The Department cited the statistics to demonstrate the proper reading of 34 U.S.C. 40901(b)(2).[25] Specifically, NSSF stated:

Since 2016, there have been more than 24 million NICS checks processed per year. NSSF's own research estimates the total number of individuals directly employed in the firearms industry is 154,611. [ ] Even assuming that FHCs are conducted on all direct firearms industry employees as well as all employees of ''big box store'' locations with licenses (which FBI estimates at 793,000), that figure only rises to 3%.[26]

Department Response

For the reasons set out in the NPRM, and as this final rule discusses in the paragraphs below, the Department respectfully disagrees with NSSF's arguments that FHCs must be available to persons outside of ''eligible employees.'' First, both Everytown and Giffords, which are organizations that, among other initiatives, advocate for more firearm-related background checks (*e.g.,* ''universal'' background checks), did not share NSSF's position on this point. As noted earlier in this section, those organizations said the NPRM was,

[19] 597 U.S. 1, 142 S. Ct. 2111, 213 L. Ed. 2d 387 (2022).

[20] *Id.* at 38 n.9 (cleaned up); *see also id.* at 80 (Kavanaugh, J., concurring) (noting that ''shall-issue licensing regimes are constitutionally permissible'' subject to as-applied challenges); *McRorey* v. *Garland,* 99 F.4th 831, 836 (5th Cir. 2024) (discussing how *Bruen* and *District of Columbia* v. *Heller,* 554 U.S. 570, 626–27 (2008), ''make clear that background checks preceding firearm sales are presumptively constitutional'').

[21] *See* Revising Firearms Transaction Record, ''Form 4473,'' 91 FR 25432, 25446 (May 8, 2026) (proposed rule) (revising 27 CFR 478.124 to add a new paragraph (f) on using Form 4473 to facilitate FHCs); Firearm Records Retention Periods, 91 FR 24413, 24424 (May 6, 2026) (proposed rule) (revising 27 CFR 478.129 to add a new paragraph (a)(3) on retention periods for Forms 4473 used to facilitate FHCs).

[22] At the time this final rule was being finalized, Form 4473 had undergone proposed revisions and had begun the three-year renewal process required under the Paperwork Reduction Act for Office of Management and Budget (''OMB'') approval to continue using the form. On May 8, 2026, ATF published the required 60-day notice for this information collection. The notice listed the proposed changes to Form 4473 and was open for 60 days of public comment through July 7, 2026. It was followed by a 30-day public notice period before proceeding to OMB for review.

[23] *SAS Institute, Inc.* v. *Iancu,* 584 U.S. 357 (2018).

[24] *Garland* v. *Cargill,* 602 U.S. 406 (2024).

[25] *See* 89 FR 100428–430.

[26] NSSF at 4.

e.g., ''well-crafted and balanced'' as well as being ''sensible,'' Everytown at 3–4, and that it ''faithfully implements Congress's intent in the BSCA,'' Giffords at 3. The Department is not acting *ultra vires* but, instead, is faithfully and appropriately implementing what Congress asked of the Department.

Neither *Iancu* or *Cargill* is applicable here, as neither involved an agency defining the term ''employee.'' In *Iancu,* the Supreme Court was interpreting the meaning of the word ''any'' under a Federal statute that allowed private parties to administratively challenge approved patents. In *Cargill,* the Supreme Court was interpreting the Department rulemaking that added ''bump stocks'' to the regulatory definition of ''machineguns'' under 27 CFR part 479. The legal analysis by the Supreme Court in those opinions also does not support NSSF's position on this point. In fact, contrary to NSSF's arguments here, *Iancu* shows that Congress clearly knows how to mandate that ''any'' (*i.e.,* every) member of a group be included in a Federal statutory process. *See Iancu,* 584 U.S. at 359–60. Here, when it wrote 34 U.S.C. 40901(b)(2), Congress did not mandate that FFLs be allowed to run these checks on ''any'' (or ''every,'' or ''all'') current or prospective employee(s). Further, unlike in *Cargill,* the Department's NPRM here did not propose altering the definition of a term Congress had already defined via statute. *See Cargill,* 602 U.S. at 413. As discussed in the NPRM, in *Robinson* v. *Shell Oil Co.,* 519 U.S. 337, 340–46 (1997), the Supreme Court analyzed another Federal agency's regulatory definition of ''employee'' and noted that the statute itself, the context in which the word ''employee'' appeared, and the ''primary purpose'' of the law at issue must all be considered when reviewing the agency's actions.

In the NPRM, the Department followed that same approach in defining the term ''eligible employee.'' *See* 89 FR 100428. For example, the NPRM explained that the primary purpose of BSCA was to ''ensure that individuals prohibited from receiving firearms would not be able to obtain them.'' *Id.* (citing, *e.g.,* BSCA sec. 12004(a)(1)). Focusing on employees who, by virtue of their current or prospective position, would have at least some connection to firearms or ammunition—rather than indiscriminately sweeping in all current or prospective employees—thus furthers the statute's purpose and properly limits the breadth of the term ''current or prospective employee.''

This conclusion is fully consistent with *Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369 (2024). Although that case directs courts to strive for the ''best'' interpretation of the law, rather than deferring to administrative interpretations, a statute's primary purpose remains a key interpretive tool in determining a statute's best meaning. For example, in *United States* v. *Kokinda,* 146 F.4th 405, 417 (4th Cir. 2025), *cert. denied,* 146 S. Ct. 1775 (2025), the Fourth Circuit applied *Loper Bright* to the Attorney General's interpretation of the term ''habitually lives'' in the Sex Offender Registration and Notification Act (''SORNA''). The Attorney General had interpreted that term in light of SORNA's ''objective'' of comprehensively registering sex offenders, and the Fourth Circuit agreed that it was proper to ''[t]ak[e] into account SORNA's broad purpose'' in arriving at a definition of the term. *Id.* at 418. BSCA's ''broad purpose''—preventing prohibited persons from obtaining firearms—similarly informs the Department's interpretation of the term ''current or prospective employee'' and supports applying FHCs to those individuals who have at least some connection to firearms or ammunition. *Accord, e.g., Gen. Elec. Co.* v. *Boilermaker-Blacksmith Nat'l Pension Tr.,* 176 F.4th 1059, 1064 (8th Cir. 2026) (applying *Loper Bright* and adopting an interpretation that was most ''consistent with the purpose of the statute''); *Mayfield* v. *U.S. Dep't of Lab.,* 117 F.4th 611, 618 (5th Cir. 2024) (discussing how the agency's definitional exemptions were consistent with the ''broader structure'' of the statute at issue there, and how application of that law to some persons would be ''inconsistent with common sense'').

NSSF suggests that expanding the scope of the term ''eligible employee'' to sweep in all current or prospective employees—regardless of their likely access to firearms—would actually be more consistent with the purpose of BSCA, as doing so would subject a greater absolute number of individuals to background checks. But ''[n]o statute pursues a single policy at all costs.'' *Bartenwerfer* v. *Buckley,* 598 U.S. 69, 81 (2023). NSSF itself says it was ''a reasonable limitation'' for the Department's NPRM to propose generally allowing FFLs to submit only one FHC per year per eligible employee ''to manage any increased volume of NICS requests, or otherwise ensure that the system is not overwhelmed.'' NSSF at 4–5. Thus, NSSF itself recognizes that concerns such as workability and practical consequences must inform the proper interpretation of section 12004 of BSCA.

Interpreting the term ''current or prospective employee'' to include only those persons with at least some connection to firearms or ammunition simply recognizes this same reality: As explained in the NRPM, expanding FHCs to any current or prospective employee, regardless of the person's potential connection to firearms or ammunition—could have pernicious consequences for both the operation of NICS and for individuals who might lose or be denied employment as a result of these background checks. 89 FR 100428–29. As explained in the NPRM, while the FBI was appropriated additional funding to help with salaries and expenses associated with BSCA, *id.* at 100429, that was a one-time appropriation;[27] no portion of those funds have yet been annualized to continue covering any new NICS staff. Further, those FBI-designated funds were to also be used for other aspects of BSCA with FBI impacts (*e.g.,* for system updates so NICS could conduct the newly required state and local outreach during ''under-21 transactions''). *See* 89 FR 100429, 100432.

The NPRM estimated that the rule applied to approximately 80,000 FFLs across the country. *See id.* at 100429. The NICS Section normally receives Brady Checks from more than 50,000 of those 80,000 FFLs.[28] That number will only increase for purposes of FHCs because, as the NPRM described, it is believed that the majority of POCs that normally process Brady Checks will not have the legal authority under their State laws to also process FHCs. *See id.* Therefore, while it is yet unknown exactly how many of the remaining 30,000 FFLs will submit FHCs to POCs, the NICS Section anticipates it will process FHCs submitted by the majority of those remaining FFLs. *See id.* Additionally, the FBI anticipates increased transactional volume as it anticipates receiving FHCs from FFLs that normally do not submit Brady Checks (*e.g.,* licensed manufacturers). Accordingly, once FHCs are implemented, the NICS Section will process transactional volume from FFLs and many states that is not processed by the NICS Section during Brady Checks.

Since 2022, the NICS Section processes approximately 10 million (or less) of all Brady Checks per year.[29] If

[27] *See* BSCA, Division B, 136 Stat. at 1338.

[28] *See* FBI, *2022 NICS Operations Report* 5 (2022), *https://www.fbi.gov/file-repository/cjis/nics-2022-operations-report.pdf/view.*

[29] *See, e.g., id.* at 31 and FBI, *2024 NICS Operational Report* iii (2024), *https://www.fbi.gov/file-repository/2024-nics-operational-report.pdf/view.*

the NICS Section ultimately processes FHCs for just 65,000 to 70,000 FFLs (of the 80,000) cited above, and those FFLs submit just 10 FHCs per month, the NICS Section would be processing 7.8 to 8.4 million FHCs plus the annual Brady Check volume. If FFLs could effectively submit FHCs anyone who consents to the check, and as often as the FFL chooses, regardless of the subject's potential to access firearms or ammunition, the NICS Section could receive 10 million FHCs in a matter of months, if not weeks. The Department therefore concludes that considering the pool of ''current and prospective employees'' without boundaries properly scoped with BSCA's broad purpose in mind could overwhelm NICS and the FBI and, therefore, result in a significant overall ''cost'' to public safety. *See Bartenwerfer,* 598 U.S. at 81.

The Department appreciates that NSSF provided some statistics regarding employees in the firearms industry that, NSSF believes, call into question the Department's concerns about practical consequences and workability. That information, however, has not swayed the Department on this question. NSSF estimates only 155,000 persons are ''directly employed in the firearms industry,'' NSSF at 4, whereas the NPRM estimated approximately 793,000 persons alone were employed in ''big box'' stores that are licensed to deal in firearms at various locations throughout the United States. *see id.* at 100429.[30] Even dividing the ''big box'' number of current employees in half (to approximately 400,000) leaves a demonstrable gap between the Department's and NSSF's statistics.[31] More problematically, NSSF's statistics do not address half of BSCA's mandate to the Attorney General. The scope of ''current'' employees of FFLs throughout the United States is just one factor that the Department was required by Congress to consider and discuss in the NPRM. The number of ''prospective'' hires for every FFL also had to be considered in the NPRM, and NSSF's comment does not discuss that unquantified number of individuals. The Department accordingly believes that its analysis of the deleterious effects of expanding the scope of employees eligible for FHCs best reflects the potential magnitude of those effects. Even if the Department puts aside its disagreement with NSSF's current employee statistics, NSSF did not account for the full impact of FHCs on both current and prospective employees. The Department continues to believe that the term ''current or prospective employee'' in BSCA is limited to those whose employment actually presents, or would present, at least some risk of accessing firearms, ammunition, or their manufacturing components. *See* 89 FR 100428.

After publishing the NPRM and, to some extent, acknowledging NSSF's point regarding the proposed definition for ''eligible employee,'' the Department identified further situations where licensees may have working relationships with other individuals who would not ordinarily be classified as employees but could have access to the FFL's inventory of firearms, ammunition, or manufacturing components. Industry experts believe many de facto FFL employees may be misclassified by the FFL as contractors for tax-related purposes. Those people should still be included within the scope of this rule's background checks at the FFL's choice if they provide their written consent as required by BSCA. As previously discussed in this Section of this rule, the Supreme Court in *Robinson* analyzed another Federal agency's regulatory definition of ''employee'' and noted that the statute itself, the context in which the word ''employee'' appeared, and the ''primary purpose'' of the law at issue must all be considered when reviewing the agency's actions. 519 U.S. at 340–46. The Department recognizes that the primary purpose of this section of BSCA is to generally prevent prohibited persons that work for an FFL from accessing firearms, regardless of whether the FFL has formally classified that individual as an employee. Thus, the term employee should be read in context of this purpose and should include individuals who work at the FFL (*e.g.,* contractors) and would have access to firearms. Accordingly, this final rule amends the definition of eligible employee to allow licensees to submit FHCs of consenting independent contractors and agents who work, or seek to work, at a licensee's business premises and are, or will be, capable of accessing firearms, ammunition, or their manufacturing components. Other than that modification, the application of FHCs to ''eligible employees'' will otherwise be finalized as the NPRM proposed.

V. Final Rule

A. Summary
B. Changes to NPRM Proposals

A. Summary

With a few exceptions, the NPRM will be finalized as it was proposed because the majority of comments received either supported the rule, expressed no opposition to the rule, or provided critiques which do not merit revision or recission of the NPRM. The paragraphs below in this Section describe the final rule.

B. Changes to NPRM Proposals

1. Application Form

The NPRM discussed a new form for FFLs to use to collect all necessary information from the eligible employee before submitting an FHC. *See* 89 FR 100432 (discussing ATF's proposed Form 5300.47). The NPRM also noted, however, that FFLs would not be required to use that form. *Id.* Since publication of the NPRM, ATF has determined that it will no longer move forward with ATF Form 5300.47. Instead, ATF has issued an NPRM proposing to use Form 4473 to document information necessary for FHC background checks and the employee's written consent.[32] In addition, ATF has made available for review and public comment a revised version of ATF Form 4473 (''Revised Form 4473'').[33] Those proposed rules and form revisions from ATF include, among others, a box to distinguish Forms 4473 used for FHCs, instructions on which parts of the Form to use, the written consent/certification for employees, and a proposed 90-day required records retention period (significantly shorter than for other Forms 4473). In the interim, should this regulation become effective prior to the Revised ATF Form 4473 being finalized, ATF will issue guidance to FFLs on how they can utilize the existing ATF Form 4473 to submit FHCs to NICS without the FHC forms being confused with firearms transfer forms. Again, however, FFLs are not required to use a particular form to capture the eligible employees' biographic information, but BSCA and this regulation require that FFLs obtain their eligible employees' informed, written consent before submitting FHCs

[30] The Department quoted employment numbers from the public website of just one of those big box stores that are licensed to deal in firearms, and that one corporation claims to employ more than 1.5 million people in the United States alone and more than 2 million worldwide. *See* 89 FR 100428 (citing Walmart, *How many people work at Walmart, https://corporate.walmart.com/askwalmart/how-many-people-work-at-walmart*). In drafting this regulation, that same website was rechecked and still reports employing ''approximately 1.6 million associates'' in the United States as of the end of their FY2024 (last accessed Aug. 10, 2026).

[31] Further, the Department's estimate did not attempt to factor in the employees of the remaining FFLs, which would still be tens-of-thousands of licensed dealers (including both smaller retail chains and ''mom and pop'' dealers) in addition to all licensed manufacturers and importers.

[32] *See* footnote 21.

[33] *See* footnote 22.

of those persons to NICS. A corresponding amendment is being made to the last sentence of 28 CFR 25.6(i)(2) to revise the term ''applicable FHC form'' to read ''appropriate form'' to mirror existing language of § 25.6(i).

2. Definitions in § 25.2

a. ''Did Not Pass''

Federal firearm laws 18 U.S.C. 922(g) and (n), for example, apply to shipping, transporting, receiving, or possessing firearms and ammunition. Because this rule will allow FHCs of eligible employees that may handle only ammunition, this definition is being updated to also remind readers that criminal liability can result if a prohibited person handles ammunition just the same as can occur if that person handles a firearm.

b. ''Eligible Employee''

Upon final review, the Department noted that the NPRM should have proposed paragraph (2) of this definition to reference ''(1)(ii)(B)'' rather than ''(1)(B)(ii).'' This rule finalizes paragraph (2) of this definition to correctly reference ''(1)(ii)(B)[.]''

Additionally, to reflect the discussion in Section IV of this preamble responding to NSSF comments, this final rule further amends the ''eligible employee'' definition by inserting a new subparagraph (1)(iii), immediately preceding paragraph (2), to read as follows:

(iii) An independent contractor or agent who works, or seeks to work, at a licensee's business premises and is, or will be, capable of accessing firearms, ammunition, or their manufacturing components.

c. ''FFL (Federal Firearms Licensee)''

The NPRM proposed revising the definition of ''FFL (federal firearms licensee).'' *See* 89 FR 100435. However, as NSSF noted, that proposed revision was not necessary as the existing definition covered the same licensees. Accordingly, this rule will not finalize that proposed revision within 28 CFR 25.2.

d. ''NICS Section''

The NPRM's instructions for 28 CFR 25.2 stated that it was revising, among other terms, the definition of ''NICS Section.'' The NPRM, however, should have instead noted it was ''adding'' that term to the definitions in 28 CFR 25.2. This rule instead notes that § 25.2 is being amended by ''adding'' a new definition for ''NICS Section.''

3. Modifications to 28 CFR 25.6

To more closely follow language of 18 U.S.C. 922(d), a technical revision will be made to the language the NPRM proposed for 28 CFR 25.6(c)(4). The NPRM proposed that an additional FHC could be submitted of someone ''where the FFL believes it has received sufficient information demonstrating'' that a person was subject to a potentially prohibiting event. As finalized, the relevant language will authorize subsequent FHCs ''where an FFL has reasonable cause to believe'' the person is subject to a potentially prohibiting event.

Next, a minor drafting error was located within § 25.6(h)(2). When discussing transmission of NICS determination messages, the NPRM proposed paragraph (h)(2) referenced ''paragraphs (h)(i) and (h)(ii) of this section.'' While the citation should have been to ''paragraphs (h)(1)(i) and (h)(1)(ii),'' to further simplify that provision, paragraph (h)(2) is being finalized to simply reference ''paragraph (h)(1) of this section.''

The NPRM proposed that § 25.6(i)(1) be updated to reference 27 CFR part 478, rather than part 178. *See* 89 FR 100437. Upon its implementation, this rule finalizes further technical revisions to § 25.6(i)(1) to clarify that FFLs must record system responses ''in accordance with the recordkeeping requirements in 27 CFR part 478.'' Currently, the recordkeeping requirements in part 478 are detailed in subpart H titled ''Records.''

Finally, a pair of drafting errors were found in the last two sentences of § 25.6(h)(2). In the NPRM, those two provisions should not have solely referenced ''firearm transfer checks.'' The NPRM should have included language broad enough to reflect that, in accordance with § 25.9(b), the NICS Audit Log would maintain and destroy POC determination messages for both firearm transfer checks and, when applicable, FHCs. Accordingly, to better reflect FHC information in the NICS Audit Log, the last two sentences of § 25.6(h)(2) are being finalized to remove references to ''firearm transfer checks.''

4. Modifications to 28 CFR 25.10

While finalizing this rule, the Department noted that some revisions proposed to 28 CFR 25.10 were needed. A minor technical revision is being made at the end of § 25.10(a). That paragraph reads, in relevant part, ''as applicable. (POCs at their discretion may waive the requirement for a written request.).'' That language will be finalized instead to remove unnecessary punctuation and read, ''as applicable (POCs at their discretion may waive the requirement for a written request).'' Next, a drafting error inadvertently deleted ''a'' near the end of the second sentence of § 25.10(c). As finalized, that provision will reference, in relevant part, ''information upon which a 'Denied' or 'Did Not Pass' response was based.'' Next, revisions proposed within § 25.10(e) (*see* 89 FR 100438–100439) could be reasonably misconstrued. There, the Department proposed § 25.10(e) to read, in relevant part: ''In the case of a prospective firearm transfer, . . . and there are no other disqualifying or potentially disqualifying records upon which to continue the denial, the NICS will communicate a 'Proceed' response to the FFL. . . . In the case of an FHC, . . . and there are no other disqualifying or potentially disqualifying records upon which to continue the 'Did Not Pass' status, the NICS will communicate a 'Pass' response to the FFL.''

The spirit of these revisions is still accurate in that, after a successful appeal, NICS can only provide an FFL with an updated response of ''Proceed'' or ''Pass,'' as applicable, when no ''disqualifying or potentially disqualifying records'' remain within the subject's background. However, as written, those revisions could have been read to suggest the FBI would maintain a ''Denied'' or ''Did Not Pass'' response if a ''potentially disqualifying'' record still needed to be resolved after a ''disqualifying'' record was cleared. To be clear: the FBI only provides and maintains ''Denied'' responses and will only provide and maintain ''Did Not Pass'' responses when information demonstrates the subject is in fact disqualified; those responses are not applicable if the subject is ''potentially'' disqualified.

Accordingly, this final rule provides a slight modification to 28 CFR 25.10(e), which will keep the intent of the original proposal, while eliminating the language that could be misinterpreted. Within the relevant passage, this rule eliminates the language ''upon which to continue the denial'' and ''upon which to continue the Did Not Pass[.]'' For FHCs, where a disqualifying record is cleared, but a potentially disqualifying record needs further research, the response to the FFL will change from ''Did Not Pass'' to ''Pending'' (the same way a prospective firearm transfer response would change from ''Denied'' to ''Delayed'' (*i.e.,* ''Open'').

5. Modifications to § 25.11(b)

In finalizing this rule, it was noted that § 25.11(b)(1) utilizes the possessive-plural words of ''agencies,' '' ''FFLs,' '' and ''individuals.' '' In context, those words should not include the possessive apostrophes. This final rule makes technical amendments to that provision by removing those apostrophes, as well as identical apostrophes used in § 25.11(b)(2). Those deletions will not impact the substantive aspects of this rule.

C. Finalized Revisions

Beyond the limited exceptions described above, the Department is finalizing all other regulation amendments that the NPRM proposed. This includes, but is not limited to, all other new and modified definitions, how FHCs will be processed, FFL obligations, and provisions related to appeals.

VI. Statutory and Executive Order Reviews

A. Regulatory Flexibility Act

This regulation amends the Department's NICS regulations to incorporate changes applicable to FHCs as required by BSCA. These changes provide FFLs the ability to use NICS to voluntarily request background checks for eligible employees. The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601 *et seq.,* generally requires that when an agency issues a proposed rule or a final rule pursuant to section 553(b) of the Administrative Procedure Act or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. *See* 5 U.S.C. 603, 604. A final regulatory flexibility analysis (''FRFA'') is not required if the head of the agency certifies that the rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

''[T]he term 'small entity' shall have the same meaning as the terms 'small business', 'small organization' and 'small governmental jurisdiction' defined in paragraphs (3), (4) and (5) of this section[.]'' 5 U.S.C. 601(6). Therefore, the term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of fewer than 50,000 people. *See* 5 U.S.C. 601(3)–(6). The Department still anticipates that a majority of the licensees that will request FHCs under this rule would be considered small entities for purposes of the RFA.

The FBI still anticipates that this rule will have no impact, economic or otherwise, on any licensee, including small entity licensees, unless the licensee voluntarily chooses to request FHCs through NICS. The FBI still concludes that this rule does not require any governmental unit, small entity or otherwise, to take any specific action upon being contacted by NICS for the purpose of an FHC. There are no maintenance or compliance costs and POCs are not required to conduct FHCs on behalf of the FBI. Again, neither the FBI, nor this rule, imposes any fee upon any licensee when using NICS to submit FHCs. *See* 34 U.S.C. 40901(b)(2).

The public comments received did not provide a basis to alter the FBI's certification in the NPRM that this rule would not have a significant economic impact on a substantial number of small entities. Further, the NPRM is generally being finalized as it was proposed with no changes that would impact the small entity certification. Accordingly, the Attorney General certifies that this final rule will not have a significant impact on a substantial number of small entities and, as a result, a FRFA is not necessary for this regulation.

B. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

This regulation was drafted and reviewed in accordance with Executive Order 12866, section 1(b), The Principles of Regulation and Executive Order 13563, section 1(b), General Principles of Regulation. Both Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of using the best available methods to quantify both costs and benefits, and of reducing costs, harmonizing rules, and promoting flexibility.

Alternatives Considered. Promulgating this rule was required by BSCA, *see* 34 U.S.C. 40901(b)(2), so not putting forth this rule was quickly discarded as an option. The FBI considered the impacts of broader definitions and processes that would allow FHCs to be used as widely and as often as possible. *See* 89 FR 100428–100432. However, it was determined that FHCs being used in an overly broad manner (either in population or frequency) could negatively impact NICS as well as persons whose employment responsibilities afford them access to firearms, ammunition, or their manufacturing components. *See id.*

Therefore, to meet the clear intent of 34 U.S.C. 40901(b)(2) to promulgate this rulemaking, while mitigating unnecessary negative consequences to the FBI and the public, the FBI determined that FHCs would be available regarding ''eligible employees'' and, generally, could be run one time per year for each eligible employee. 89 FR 100429–100430. Reasons for scoping the pool of eligible employees were discussed in Section V of this rule, as well as within the NPRM. *See id.* As to conducting FHCs once per year, the FBI could have proposed authorizing FHCs of each eligible employee once every five years. Such a time limit would mirror time limits used within 18 U.S.C. 922(t)(3).[34] The FBI could have also proposed mirroring ATF's FFL licensing timeframes by proposing FHCs be allowed only once every three years. *See* 27 CFR 478.49. These procedures effectively allow a NICS background check to be considered valid for multiple years before needing to be refreshed. However, the FBI instead proposed FHCs could be submitted more frequently, while also giving each FFL flexibility to submit an FHC sooner should circumstances merit an additional FHC of the subject. *Id.* at 100431–100432. This rule, upon implementation, will keep those same considerations in mind.

The Office of Management and Budget (''OMB'') has determined that this rule is a ''significant regulatory action'' under Executive Order 12866, section 3(f), as amended, and accordingly this rule has been reviewed by OMB.

The Department has, to the extent possible, assessed the costs and benefits of this regulation and believes that the final regulatory approach selected maximizes net benefits. The public comments either support the NPRM's proposals or did not provide a basis to alter the affected populations, benefits, or costs analyses that the NPRM offered for purposes of these Executive Orders. As such, the discussion provided in the NPRM about these Executive Orders remains unchanged and a final economic impact analysis cannot be provided. In any event, due to FHCs

[34] Section 922(t)(3) establishes when firearms-related permits or licenses can be used by FFLs in-lieu of the FFL conducting a Brady Check. Those provisions state, in relevant part, that such license or permit qualifies if ''issued not more than 5 years earlier.'' 18 U.S.C. 922(t)(3)(A)(i)(II). FFLs retain the discretion to submit a Brady Check even when being presented with a qualifying in-lieu of permit.

being a completely voluntary process by those participating, this regulation is not expected to have an annual impact of over $100 million dollars.

C. Executive Order 13132 (Federalism)

This regulation may impact federalism to the extent that State entities respond to NICS inquiries during research of ''Pending'' transactions. Any such effects, however, will be only an indirect result of this rule because State entities may freely choose whether to respond to such NICS inquiries. In addition, such effects will not be substantial, nor will such effects concern the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Attorney General has determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

D. Executive Order 12988 (Civil Justice Reform)

This regulation meets the applicable plain language standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

E. Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted for inflation) in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, 109 Stat. 48. *See* 2 U.S.C. 1532.

F. Paperwork Reduction Act

This regulation does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163. *See* 44 U.S.C. 3501–3521.

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

The Department determined that formal Tribal consultation under Executive Order 13175 was not required. The NPRM was provided as part of a public collaboration that includes Tribes. The NPRM received no public comments from Tribes and no comments expressed concerns from a tribal perspective. This regulation implements Congress's mandate of the Attorney General to promulgate regulations that allow licensees under 18 U.S.C. 923 to use NICS for purposes of FHCs as described in this regulation. Implementation of these regulations will not have any substantial direct effects on federally recognized Tribes.

H. Executive Order 14192—Deregulation

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. Section 3(a) of Executive Order 14192 requires an Agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the Agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This rule is intended to be a deregulatory action under Executive Order 14192 by allowing FFLs to be allowed to access NICS for another purpose in accordance with 34 U.S.C. 40901(b)(2).

I. Congressional Review Act

Pursuant to the Congressional Review Act, 5 U.S.C. 801 *et seq.,* OMB's Office of Information and Regulatory Affairs has determined this rule does not meet the criteria in 5 U.S.C. 804(2). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. While there may be impacts to FFLs, governmental agencies, or the general public (*e.g.,* through employment background checks), these impacts are all voluntarily assumed by those participating in FHCs or responding to FHC inquiries, as applicable, and this regulation will not have a significant impact on the overall economy.

J. Executive Order 14294

Executive Order 14294, titled ''Overcriminalization in Federal Regulations,'' requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This rule does not create or impose a criminal regulatory offense and is thus exempt from Executive Order 14924 requirements.

VII. Disclosure

Copies of the final rule, proposed rule, and comments received in response to the proposed rule will be available for public inspection through the Federal eRulemaking portal, *https://regulations.gov.*

VIII. Severability

BSCA addresses critical but distinct components of the NICS background check process. The Department believes that the provisions in this final rule are well-supported in law, reflect sound policy, and should be upheld against any legal challenge. However, if any portion of this final rule should be declared invalid or unenforceable by a court, the Department intends that the provisions contained herein be viewed as independent, necessary, and severable from each other to the maximum extent possible. As described previously, BSCA mandated that the Attorney General ''promulgate regulations allowing licensees to use [NICS] for purposes of voluntarily conducting an employment background check relating to a current or prospective employee.'' 34 U.S.C. 40901(b)(2)(A). Each of the policy and operational considerations described in this final rule is independently significant to the functioning of this rule. If a court were to invalidate one or more of the provisions of the final rule, the Department intends that the remaining provisions of the rule be severed from any invalidated provision and that all remaining provisions stand.

To obviate any doubt as to the Department's intent, even if a provision (contrary to the Department's views regarding legal support) were deemed invalid, the Department would still have proposed each of the other provisions that this rule finalizes. *Cf. Am. Fuel & Petrochemical Mfrs.* v. *EPA,* 3 F.4th 373, 384 (D.C. Cir. 2021) (severing one section of a rule that the court found invalid where the agency had stated that it intended that relevant section to be ''severable from'' another section that ''operate[d] independently''). Each amendment in this final rule stands on its own with no reliance on another amendment. Each amendment is necessary, for example, to provide for the implementation of FHCs or to

account for the potential application of existing regulations (such as appellate procedures and penalty provisions) to FHCs. Consequently, this final rule amends 28 CFR 25.1 to include a general statement about the severability of the provisions within 28 CFR, part 25, subpart A.

List of Subjects in 28 CFR Part 25

Administrative practice and procedure, Arms and munitions, Computer technology, Privacy, Security measures, Telecommunications.

Authority and Issuance

For the reasons discussed in the preamble, 28 CFR part 25 is amended as follows:

PART 25—DEPARTMENT OF JUSTICE INFORMATION SYSTEMS

■ 1. The authority citation for 28 CFR Part 25 is revised to read as follows:

Authority: Public Law 103–159, 107 Stat. 1536, 49 U.S.C. 30501–30505; Public Law 101–410, 104 Stat. 890, as amended by Public Law 104–134, 110 Stat. 1321; Public Law 117–159, 136 Stat. 1313; 34 U.S.C. 40901; 18 U.S.C. 921, 922.

Subpart A—The National Instant Criminal Background Check System

■ 2. Revise § 25.1 to read as follows:

§ 25.1 Purpose and authority.

The purpose of this subpart is to establish policies and procedures implementing the Brady Handgun Violence Prevention Act (Brady Act), Public Law 103–159, 107 Stat. 1536. The Brady Act requires the Attorney General to establish a National Instant Criminal Background Check System (NICS) to be contacted by any licensed importer, licensed manufacturer, or licensed dealer of firearms for information as to whether the transfer of a firearm to any person who is not licensed under 18 U.S.C. 923 would be in violation of subsection (t) of 18 U.S.C. 922. The NICS may also be contacted, pursuant to the Bipartisan Safer Communities Act, Public Law 117–159, 136 Stat. 1313, by any Federal Firearms Licensee (FFL) for purposes of a firearm handler background check (FHC). The regulations in this subpart are issued pursuant to section 103(h) of the Brady Act, 107 Stat. 1542 (18 U.S.C. 922 note) and section 12004(h)(1) of the Bipartisan Safer Communities Act, 136 Stat. 1330–31 (34 U.S.C. 40901(b)(2)(A)), and include requirements to ensure the privacy and security of the NICS and appeals procedures for persons who have been determined not to have the right to receive a firearm as a result of a NICS background check, including an FHC, performed by the Federal Bureau of Investigation (FBI) or a state or local law enforcement agency. The provisions of this subpart shall be construed as being severable from one another, and any remaining upheld or unchallenged provisions shall be treated independently of any invalidated provision.

■ 3. Amend § 25.2 by:
■ a. Revising the definitions of ''Appeal'' and ''ARI'';
■ b. Adding definitions of ''Did Not Pass,'' ''Eligible Employee,'' ''Firearm Handler,'' ''Firearm Handler Background Check (FHC)'' in alphabetical order;
■ c. Revising the definition of ''NICS,'' ''NICS Representative,'' ''NRI (NICS Record Identifier)'';
■ d. Adding definitions of ''NICS Section,'' ''Pass,'' and ''Pending'' in alphabetical order;
■ e. Revising the definition of ''POC (Point of Contact)''; and
■ f. Adding definitions of ''Responding Agency'' and ''Responsible person'' in alphabetical order.

The revisions and additions read as follows:

§ 25.2 Definitions

Appeal means a formal procedure to challenge the denial of a firearm transfer or a ''Did Not Pass'' response for an FHC.

ARI means a unique Agency Record Identifier assigned by the agency submitting records for inclusion in the NICS Indices.

* * * * *

Did Not Pass means the response given by the NICS, in the case of an FHC, to indicate that at least one matching record was found that demonstrates the eligible employee is prohibited from receiving or being transferred a firearm as described in 18 U.S.C. 922(t). The receipt of a ''Did Not Pass'' response should not be construed to indicate the person is not eligible for any employment with the FFL, but rather is solely a determination, based on information available to the NICS, that the person is not eligible to receive or be transferred firearms under 18 U.S.C. 922(t). Circumstances in which that person handles a firearm or ammunition during the person's employment could lead to criminal liability for the person (and potentially the FFL) under applicable Federal, State, local or Tribal law.

* * * * *

Eligible Employee:

(1) For purposes of conducting FHCs, *eligible employee* means a person who is not listed as a responsible person of the FFL and is a:

(i) Firearm handler;

(ii) Person whose current or prospective employment duties for a licensed manufacturer include, or will include, access to, or the handling of; any

(A) Forging, casting, printing, extrusion, unmachined body, or similar article that has not yet reached a stage of manufacture where it is clearly identifiable as an unfinished component part of a firearm or ammunition (*e.g.,* unformed block of metal, liquid polymer, or other raw material); or

(B) Tool or other equipment used to manufacture a firearm or ammunition, or to otherwise finish a component part of a firearm or ammunition; or

(iii) An independent contractor or agent who works, or seeks to work, at a licensee's business premises and is, or will be, capable of accessing firearms, ammunition, or their manufacturing components.

(2) Persons who have or will have access to tools or other equipment as described in paragraph (1)(ii)(B) of this definition include, but are not limited to, persons whose employment duties allow them entry to any device, room, or facility where such tools or other equipment of the manufacturer are used or stored.

* * * * *

Firearm handler means a person whose current or prospective employment duties for an FFL include or will include the opportunity to access firearms or ammunition, regardless of whether the person's employment duties include or will include the actual or constructive transfer or handling in any way of firearms or ammunition. Persons who have or will have access to firearms or ammunition include, but are not limited to, persons whose employment duties allow them entry to any device, room, or facility where firearms or ammunition of the licensee are stored.

Firearm Handler Background Check (FHC) means a NICS background check voluntarily initiated by the FFL pursuant to 34 U.S.C. 40901(b) for an eligible employee after that eligible employee has provided the FFL with the employee's written consent to the FHC.

* * * * *

NICS means the National Instant Criminal Background Check System, which an FFL must, with limited exceptions, contact for information on whether receipt of a firearm by a person who is not licensed under 18 U.S.C. 923 would be prohibited as described under 18 U.S.C. 922(t). An FFL also may

voluntarily contact the NICS for the purpose of conducting FHCs.

* * * * *

NICS Representative means a person who receives telephone inquiries to the NICS Section from FFLs requesting background checks and provides a response as to whether the receipt or transfer of a firearm may proceed or is delayed or, for FHCs, whether an eligible employee ''Passed'' or ''Did Not Pass'' a NICS background check or whether the FHC is ''Pending.''

NICS Section means the section of the FBI that receives telephone or electronic inquiries from FFLs, performs NICS background checks, including FHCs, makes determinations based upon available information as to whether the receipt or transfer of a firearm would be prohibited as described under 18 U.S.C. 922(t), researches criminal history records, tracks and finalizes appeals, and conducts audits of system use. For purposes of this subpart, the term NICS Operations Center shall be understood to refer to the NICS Section.

NRI (NICS Record Identifier) means the system-generated unique number associated with each record in the NICS Indices.

* * * * *

Pass means, in the case of an FHC, the response given by the NICS to indicate that, at the time of the response, no information was available to the NICS demonstrating that the eligible employee is prohibited from receiving or being transferred a firearm as described under 18 U.S.C. 922(t).

Pending means, in the case of an FHC, the response given by the NICS to indicate that more research is required prior to the NICS being able to provide a ''Pass'' or ''Did Not Pass'' response.

POC (Point of Contact) means a state or local law enforcement agency serving as an intermediary between an FFL and the Federal databases checked by the NICS. A POC will receive NICS background check requests from FFLs for prospective firearm transfers, check state or local record systems, perform NICS inquiries, determine whether matching records provide information demonstrating that an individual is disqualified from receiving or being transferred a firearm as described under 18 U.S.C. 922(t), and respond to FFLs with the results of a NICS background check. A POC may also, if its state law allows, receive FHC requests from FFLs, check state or local record systems, perform NICS inquiries, determine whether matching records provide information demonstrating that an eligible employee is disqualified from receiving or being transferred a firearm as described under 18 U.S.C. 922(t), and respond to FFLs with the results of an FHC. A POC will be an agency with express or implied authority to perform POC duties pursuant to state statute, regulation, or executive order.

* * * * *

Responding agency means, in the case of an FHC, a POC or the NICS Section, whichever provides the response that information available to the NICS demonstrates that the eligible employee is prohibited from receiving or being transferred a firearm as described under 18 U.S.C. 922(t).

Responsible person means a sole proprietor or, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the corporation, partnership, or association, insofar as they pertain to any FFL.

* * * * *

■ 4. Revise § 25.4 to read as follows:

§ 25.4 Record source categories.

It is anticipated that most records in the NICS Indices will be obtained from Federal agencies. It is also anticipated that a limited number of authorized state, local, and tribal law enforcement agencies will voluntarily contribute records to the NICS Indices. Information in the NCIC and III systems that will be searched during a background check has been or will be contributed voluntarily by Federal, state, local, tribal, and international criminal justice agencies.

■ 5. Revise § 25.5 to read as follows:

§ 25.5 Validation and data integrity of records in the system.

(a) The FBI will be responsible for maintaining data integrity during all NICS operations that are managed and carried out by the FBI. This responsibility includes:

(1) Ensuring the accurate adding, canceling, or modifying of NICS Indices records supplied by Federal agencies;

(2) Automatically rejecting any attempted entry of records into the NICS Indices that contain detectable invalid data elements;

(3) Automatically purging records in the NICS Indices after they have been on file for a prescribed period of time; and

(4) Performing quality control checks in the form of periodic internal audits by FBI personnel to verify that the information provided to the NICS Indices remains valid and correct.

(b) Each data source will be responsible for ensuring the accuracy and validity of the data it provides to the NICS Indices and will immediately correct any record determined to be invalid or incorrect.

■ 6. Amend § 25.6 by:

■ a. Revising paragraphs (a), (c)(1) introductory text, (c)(2);

■ b. Adding paragraphs (c)(3) and (4);

■ c. Revising paragraphs (d)(2), (f) introductory text, (f)(2), and (g)(2);

■ d. Adding paragraph (g)(3); and

■ e. Revising paragraphs (h), (i), and (j) introductory text.

The revisions and additions read as follows:

§ 25.6 Accessing records in the system.

(a) FFLs shall initiate a NICS background check in connection with a proposed firearm transfer as required by the Brady Act and may initiate a NICS background check in connection with an FHC. FFLs are strictly prohibited from initiating a NICS background check for any other purpose. The process of accessing the NICS for the purpose of conducting a NICS background check is initiated by an FFL's contacting the FBI NICS Section (by telephone or electronic dial-up access) or a POC. FFLs in each state will be advised by ATF whether they are required to initiate NICS background checks with the NICS Section or a POC and how they are to do so.

* * * * *

(c)(1) The FBI NICS Section, upon receiving an FFL's request for a background check for the transfer of a firearm, will:

* * * * *

(2) The FBI NICS Section, upon receiving an FFL telephone or electronic dial-up request for a background check for an FHC, will:

(i) Verify the FFL Number and code word;

(ii) Assign a NICS Transaction Number (NTN) to a valid inquiry and provide the NTN to the FFL;

(iii) Search the relevant databases (*i.e.,* NICS Indices, NCIC, III) for any matching records; and

(iv) Provide the following NICS responses based upon the consolidated NICS search results to the FFL that requested the background check:

(A) ''Pass'' response, if no disqualifying information is found demonstrating the eligible employee is prohibited from receiving or being transferred a firearm as described under 18 U.S.C. 922(t).

(B) ''Pending'' response, if a NICS search requires more research to determine whether the eligible employee is prohibited from receiving or being transferred a firearm as described under 18 U.S.C. 922(t).

(C) ''Did Not Pass'' response, when at least one matching record is found that

provides information demonstrating that the eligible employee is prohibited from receiving or being transferred a firearm as described under 18 U.S.C. 922(t).

(3) None of the responses provided to the FFL under paragraph (c)(1) or (2) of this section will contain any of the underlying information in the records checked by the system.

(4) Except where an FFL has reasonable cause to believe the eligible employee has become subject to a potentially prohibiting event (for example, a new criminal charge or conviction or a protection order), an FFL may conduct only one FHC for each eligible employee every 12 months.

(d) * * *

(2) Enter a purpose code indicating that the query of the system is for the purpose of performing a NICS background check in connection with the transfer of a firearm or an FHC; and

* * * * *

(f) When the NICS receives an inquiry from a POC, it will search the relevant databases (*i.e.,* NICS Indices, NCIC, III) for any matching record(s) and will provide an electronic response to the POC. This response will consolidate the search results of the relevant databases and will include the NTN. The following types of responses may be provided by the NICS to a state or local agency conducting a background check:

* * * * *

(2) Partial response, if the NICS has not completed the search of all of its records. This response will indicate the databases (*i.e.,* NICS Indices, NCIC, and III) that have been searched and the databases that have not been searched. It will also provide any potentially disqualifying information found in any of the databases searched. A follow-up response will be sent as soon as all the relevant databases have been searched. The follow-up response will provide the complete search results.

* * * * *

(g) * * *

(2) In the case of a prospective firearm transfer, notify the FFL that the transfer may ''Proceed,'' is ''Delayed'' pending further record analysis, or is ''Denied.'' ''Proceed'' notifications made within 3 business days will be accompanied by the NTN or STN traceable to the NTN. The POC may or may not provide a transaction number (NTN or STN) when notifying the FFL of a ''Denied'' response.

(3) In the case of an FHC, notify the FFL of a ''Pass'' or ''Did Not Pass'' result for the FHC, or that the FHC is ''Pending.'' The POC may or may not provide a transaction number (NTN or STN) when notifying the FFL of a ''Did Not Pass'' result.

(h)(1) POCs shall transmit electronic NICS transaction determination messages to the FBI for the following transactions:

(i) In the case of a prospective firearm transfer, ''Delayed'' transactions that are not resolved before the end of the operational day on which the check is requested; ''Denied'' transactions; transactions reported to the NICS as ''Delayed'' or ''Open'' and later changed to ''Proceed''; and ''Denied'' transactions that have been overturned.

(ii) In the case of FHCs, transactions resulting in a ''Pass'' or ''Did Not Pass'' response; and transactions that have been overturned.

(2) The FBI shall provide POCs with an electronic capability to transmit the information identified in paragraph (h)(1) of this section. These electronic messages shall be provided to the NICS immediately upon communicating the POC determination to the FFL. For firearm transfer checks where a determination has not been communicated to the FFL, the electronic messages shall be communicated no later than the end of the operational day on which the check was initiated. With the exception of permit checks and FHCs, newly created POC NICS firearm transfer checks that are not followed by a determination message (''Denied'' or ''Delayed'') before the end of the operational day on which they were initiated will be assumed to have resulted in a ''Proceed'' notification to the FFL. The information provided in the POC determination messages will be maintained in the NICS Audit Log described in § 25.9(b). The NICS will destroy its records regarding POC determinations in accordance with the procedures detailed in § 25.9(b).

(i)(1) In the case of a background check for the transfer of a firearm, FFLs are required to record the system response, whether provided by the FBI NICS Section or a POC, on the appropriate ATF form for audit and inspection purposes, in accordance with the recordkeeping requirements in 27 CFR part 478. The FBI NICS Section response will always include an NTN and associated ''Proceed,'' ''Delayed,'' or ''Denied'' determination. POC responses may vary as discussed in paragraph (g) of this section. In these instances, FFLs will record the POC response, including any transaction number or determination.

(2) In the case of a background check for an FHC, FFLs may record the system response, whether provided by the FBI NICS Section or a POC, on the appropriate form for FHC checks. The FBI NICS Section response will always include an NTN and associated response of ''Pass,'' ''Pending,'' or ''Did Not Pass.'' POC responses may vary as discussed in paragraph (g) of this section. In these instances, FFLs may be required to record the POC response, including any transaction number or determination. FFLs should follow the instructions on the appropriate form when recording responses.

(j) *Access to the NICS Indices for purposes unrelated to NICS background checks required by the Brady Act or an FHC.* Access to the NICS Indices for purposes unrelated to NICS background checks pursuant to 18 U.S.C. 922(t) or an FHC shall be limited to uses for the purposes of:

* * * * *

■ 7. Amend § 25.8 by:

■ a. Revising paragraphs (a), (f)(2), and (g)(1);

■ b. Redesignating paragraph (g)(2) as paragraph (g)(2)(i); and

■ c. Adding paragraph (g)(2)(ii).

The addition and revisions read as follows:

§ 25.8 System safeguards.

(a) Information maintained in the NICS Indices is stored electronically for use in an FBI computer environment. The NICS central computer will reside inside a locked room within a secure facility. Access to the facility will be restricted to authorized personnel who have identified themselves and their need for access to a system security officer.

* * * * *

(f) * * *

(2) FFLs will provide the NICS Representative with their FFL Number and code word, the type of sale or whether the background check is an FHC, and the name, sex, race, date of birth, and state of residence of the prospective buyer or eligible employee.

* * * * *

(g) * * *

(1) Access will be restricted to the initiation of a NICS background check in connection with the proposed transfer of a firearm or an FHC.

(2) * * *

(ii) The NICS Representative will only provide a response of ''Pass,'' ''Pending,'' or ''Did Not Pass'' (with regard to an FHC) and will not provide the details of any record information about the subject of the FHC. In cases where potentially disqualifying information is found in response to an FFL query, the NICS Representative will provide a ''Pending'' response to the FFL. Follow-up ''Pass'' or ''Did Not Pass'' responses will be provided by the

NICS Section during its regular business hours.

* * * * *

■ 8. Revise § 25.9 to read as follows:

§ 25.9 Retention and destruction of records in the system.

(a) The NICS will retain NICS Indices records that indicate that receipt of a firearm by the individuals to whom the records pertain would be prohibited as described under 18 U.S.C. 922(t). The NICS will retain such records indefinitely unless they are canceled by the originating agency. In cases where a firearm disability is not permanent (*e.g.,* a disqualifying restraining order), the NICS will automatically purge the pertinent record when it is no longer disqualifying. Unless otherwise removed, records contained in the NCIC and III files that are accessed during a background check will remain in those files in accordance with established policy.

(b) The FBI will maintain an automated NICS Audit Log of all incoming and outgoing transactions that pass through the system.

(1) *Contents.* The NICS Audit Log will record the following information: Type of transaction (inquiry or response), line number, time, date of inquiry, header, message key, ORI or FFL identifier, and inquiry/response data (including the name and other identifying information about the prospective transferee or, with respect to FHCs, employee and the NTN).

(i) NICS ''Denied'' and ''Did Not Pass'' transaction records obtained or created in the course of the operation of the system will be retained in the Audit Log for 110 years.

(ii) NICS Audit Log records relating to transactions remaining in an ''Open'' or ''Pending'' status, except the NTN and the NTN's creation date, will be destroyed after not more than 90 days from the date of inquiry; and

(iii) In cases of NICS Audit Log records relating to allowed transactions, all identifying information submitted by or on behalf of the transferee will be destroyed within 24 hours after the FFL receives communication of the determination of ''Pass'' or ''Proceed'' response, as applicable. All other information, except the NTN and the NTN's creation date, will be destroyed after not more than 90 days from the date of inquiry.

(2) *Use of information in the NICS Audit Log.* The NICS Audit Log will be used to analyze system performance, assist users in resolving operational problems, support the appeals process, or support audits of the use and performance of the system. Searches may be conducted on the Audit Log by timeframe, *i.e.,* by day or month, or by a particular state or agency. Information in the NICS Audit Log pertaining to allowed transactions may be accessed directly only by the FBI and only for the purpose of conducting audits of the use and performance of the NICS, except that:

(i) Information in the NICS Audit Log, including information not yet destroyed under paragraph (b)(1)(iii) of this section, that indicates, either on its face or in conjunction with other information, a violation or potential violation of law or regulation, may be shared with appropriate authorities responsible for investigating, prosecuting, and/or enforcing such law or regulation; and

(ii) The NTNs and their creation dates for allowed transactions may be shared with ATF in Individual FFL Audit Logs as specified in paragraph (b)(4) of this section.

(3) *Limitation on use.* The NICS, including the NICS Audit Log, may not be used by any department, agency, officer, or employee of the United States to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited from receiving or being transferred a firearm as described under 18 U.S.C. 922(t). The NICS Audit Log will be monitored and reviewed on a regular basis to detect any possible misuse of NICS data.

(4) *Creation and Use of Individual FFL Audit Logs.* Upon written request from ATF containing the name and license number of the FFL and the proposed date of inspection of the named FFL by ATF, the FBI may extract information from the NICS Audit Log and create an Individual FFL Audit Log for transactions originating at the named FFL for a limited period of time. An Individual FFL Audit Log shall contain all information on denied transactions, and, with respect to all other transactions, only non-identifying information from the transaction. In no instance shall an Individual FFL Audit Log contain more than 60 days' worth of transaction records with a status of ''Delayed,'' ''Open,'' ''Pass,'' ''Pending,'' or ''Proceed'' originating at the FFL. The FBI will provide POC states the means to provide to the FBI information that will allow the FBI to generate Individual FFL Audit Logs in connection with ATF inspections of FFLs in POC states. POC states that elect not to have the FBI generate Individual FFL Audit Logs for FFLs in their states must develop a means by which the POC will provide such Logs to ATF.

(c) The following records in the FBI-operated terminals of the NICS will be subject to the Brady Act's requirements for destruction:

(1) All inquiry and response messages (regardless of media) relating to a background check that results in an allowed transfer or ''Pass'' status for an FHC; and

(2) All information (regardless of media) contained in the NICS Audit Log relating to a background check that results in an allowed transfer or ''Pass'' status for an FHC.

(d) The following records of state and local law enforcement units serving as POCs will be subject to the Brady Act's requirements for destruction:

(1) All inquiry and response messages (regardless of media) relating to the initiation and result of a check of the NICS that results in an allowed transfer or ''Pass'' status for an FHC that are not part of a record system created and maintained pursuant to independent state law regarding firearms transactions; and

(2) All other records relating to the subject and result of a NICS check that are not part of a record system created and maintained pursuant to independent state law regarding firearms transactions.

■ 9. Revise § 25.10 to read as follows:

§ 25.10 Correction of erroneous system information.

(a) An individual may request the reason for the denial of a firearm transfer of a firearm from the agency that conducted the check of the NICS (the ''denying agency,'' which will be either the FBI or the state or local law enforcement agency serving as a POC). The FFL will provide to the denied individual the name and address of the denying agency and the unique transaction number (NTN or STN) associated with the NICS background check. In the case of an FHC, an individual may request the reason for the ''Did Not Pass'' response from the agency that conducted the check of the NICS (the ''responding agency,'' which will be either the FBI or the state or local law enforcement agency serving as a POC). The FFL will provide the individual the name and address of the responding agency and the unique NTN or STN associated with the FHC. A request for the reason for the ''Denied'' or ''Did Not Pass'' response must be made in writing to the denying agency or responding agency, as applicable (POCs at their discretion may waive the requirement for a written request).

(b) The denying or responding agency will respond to the individual with the reasons for the ''Denied'' or ''Did Not

Pass'' response within five business days of its receipt of the individual's request. The response should indicate whether additional information or documents are required to support an appeal, such as fingerprints in appeals involving questions of identity (*i.e.,* a claim that the record in question does not pertain to the individual making the request).

(c) If the individual wishes to challenge the accuracy of the record upon which a ''Denied'' or ''Did Not Pass'' response is based, or if the individual wishes to assert that the individual's right to possess a firearm has been restored, the individual may make application first to the denying or responding agency, *i.e.,* either the FBI or the POC. If the denying or responding agency is unable to resolve the appeal, the agency will so notify the individual and shall provide the name and address of the agency that originated the document containing the information upon which a ''Denied'' or ''Did Not Pass'' response was based. The individual may then apply for correction of the record directly to the agency from which it originated. If the record is corrected as a result of the appeal to the originating agency, the individual may so notify the agency that issued a ''Denied'' or ''Did Not Pass'' response, which will, in turn, verify the record correction with the originating agency (assuming the originating agency has not already notified the denying or responding agency of the correction) and take all necessary steps to correct the record in the NICS.

(d) As an alternative to the procedure as described in paragraphs (a) through (c) of this section, where a POC was the denying or responding agency, the individual may elect to direct the individual's challenge to the accuracy of the record, in writing, to the FBI, NICS Section, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C–1, Clarksburg, West Virginia 26306–0147. Upon receipt of the information, the FBI will investigate the matter by contacting the POC that provided the ''Denied'' or ''Did Not Pass'' response or by contacting the source of the data on which the ''Denied'' or ''Did Not Pass'' response was based. The FBI will request the POC or the data source to verify that the record in question pertains to the individual who was the subject of the ''Denied'' or ''Did Not Pass'' response or to verify or correct the challenged record. The FBI will consider the information it receives from the individual and the response it receives from the POC or the data source. If the record is corrected as a result of the challenge, the FBI shall so notify the individual, correct the erroneous information in the NICS, and give notice of the error to any Federal department or agency, or any state, local, or tribal agency that was the data source of such erroneous records.

(e) Upon receipt of notice of the correction of a contested record from the originating agency, the FBI or the agency that contributed the record shall correct the data in the NICS and the denying or responding agency shall provide a written confirmation of the correction of the erroneous data to the individual for presentation to the FFL. In cases where multiple disqualifying or potentially disqualifying records are the basis for the ''Denied'' or ''Did Not Pass'' response, or where further disqualifying or potentially disqualifying records otherwise exist in the subject's background, the individual must pursue a correction for each record before a ''Proceed'' or ''Pass'' response can be provided to the FFL. In the case of a prospective firearm transfer, if the appeal of a contested record is successful and 30 or fewer days have transpired since the initial check, and there are no other disqualifying or potentially disqualifying records, the NICS will communicate a ''Proceed'' response to the FFL. If the appeal of a prospective firearm transfer is successful and more than 30 days have transpired since the initial check, the FFL must recheck the NICS before allowing the transfer to continue. In the case of an FHC, if the appeal of a contested record is successful and there are no other disqualifying or potentially disqualifying records, the NICS will communicate a ''Pass'' response to the FFL.

(f) An individual who is the subject of a denied transfer may also contest the accuracy or validity of a disqualifying record by bringing an action against the state or political subdivision responsible for providing the contested information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the contested information be corrected or that the firearm transfer be approved. Similarly, an individual who is the subject of a ''Did Not Pass'' response during an FHC may bring an action against the state or political subdivision responsible for providing the contested information, or responsible for providing the ''Did Not Pass'' response or against the United States, as the case may be, for an order directing that the contested information be corrected or that the FHC be passed.

(g) An individual may provide written consent to the FBI to maintain information about the individual in a Voluntary Appeal File to be established by the FBI and checked by the NICS for the purpose of preventing future erroneous ''Denied'' or ''Did Not Pass'' responses or extended responses of ''Delayed'' or ''Pending'' by the NICS. Such file shall be used only by the NICS for prospective firearm transfers and FHCs. The FBI shall remove all information in the Voluntary Appeal File pertaining to an individual upon receipt of a written request by the individual. However, the FBI may retain such information contained in the Voluntary Appeal File as long as needed to pursue cases of identified misuse of the system. If the FBI finds a disqualifying record on the individual after the individual's entry into the Voluntary Appeal File, the FBI may remove the individual's information from the file.

■ 10. Amend § 25.11 by revising paragraphs (b)(1) and (2) to read as follows:

§ 25.11 Prohibited activities and penalties.

* * * * *

(b) * * *

(1) State or local agencies, FFLs, or individuals purposefully furnishing incorrect information to the system to obtain a ''Proceed'' or ''Pass'' response.

(2) State or local agencies, FFLs, or individuals purposefully using the system to perform a check for unauthorized purposes.

* * * * *

Dated: October 22, 2026.

Todd Blanche,

Attorney General.

[FR Doc. 2026–21920 Filed 10–26–26; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

28 CFR Part 106

[JMD Docket No. 157; A.G. Order No. 7256–2026]

RIN 1105–AB71

Implementation of HAVANA Act of 2021

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On April 19, 2024, the Department of Justice published an interim final rule to implement the HAVANA Act of 2021. No comments were received on the interim final rule. The HAVANA Act authorizes agency heads to provide payments to certain individuals who have incurred qualifying injuries to the brain. This

final rule adopts the interim final rule with minor, non-substantive changes to the titles of certain officials involved in the payment review process and the earliest eligibility date for claims in accordance with statutory changes occurring after issuance of the interim final rule. This rule covers current and former Department of Justice employees and their dependents.

DATES: This final rule is effective on November 27, 2026.

FOR FURTHER INFORMATION CONTACT: Gordon R. Jimison, Assistant General Counsel, Justice Management Division; email: *Gordon.R.Jimison@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Department of Justice (''Department'') published an interim final rule titled ''Implementation of HAVANA Act of 2021,'' which appeared in the **Federal Register** on April 19, 2024 (89 FR 28633). A technical correction to that interim final rule was published in the **Federal Register** on May 3, 2024 (89 FR 36671). That correction was effective on May 20, 2024.

The interim final rule implemented the HAVANA Act of 2021, Public Law 117–46, 135 Stat. 391 (2021) (codified at 22 U.S.C. 2680b(i)). The HAVANA Act authorizes agency heads to provide payments to certain individuals who have incurred qualifying injuries to the brain. The interim final rule covers current and former Department of Justice employees and their dependents. The comment period on the interim final rule closed June 18, 2024.

The Department received no written or electronic comments on the interim final rule during the comment period. Although the Department received no comments about the commenting process, the Department was concerned that the public may have been hindered from submitting electronic comments through the Federal eRulemaking Portal at *https://www.regulations.gov* because of a technical problem that was discovered after the comment period closed. Accordingly, on October 8, 2024, the Department reopened the comment period until November 18, 2024. The Department received no written or electronic comments during the reopened comment period.

After conclusion of the comment period, the Federal Bureau of Investigation (FBI) and the Justice Management Division (JMD) conducted reorganizations of their respective components, resulting in changes to the titles of certain officials involved in the process set forth in the rule. Specifically, in the FBI, the interim final rule referred to the ''Executive Assistant Director, Human Resources Branch;'' this official is now identified as the ''Operations Director, Human Capital Branch.'' In the Justice Management Division, the ''Deputy Assistant Attorney General, Human Resources and Administration'' is now known as the ''Deputy Assistant Attorney General for Human Capital.''

This rule implements the HAVANA Act of 2021, Public Law 117–46, 135 Stat. 391 (2021) (codified at 22 U.S.C. 2680b(i)).

Background and Authority—§ 106.1

In 2016, Department of State employees stationed in Havana, Cuba, began reporting a sudden onset of symptoms, including headaches, pain, nausea, disequilibrium, and hearing loss, in conjunction with sensory events. Federal agencies have called such incidents Anomalous Health Incidents (''AHIs''). Since 2016, Federal employees in numerous countries reported suspected AHIs. On December 20, 2019, Congress authorized the Department of State to pay benefits to employees and their dependents for injuries suffered after January 1, 2016, in the Republic of Cuba, the People's Republic of China, or other foreign countries designated by the Secretary of State, in connection with war, insurgency, hostile acts, or terrorist activity, or in connection with other incidents designated by the Secretary of State. *See* Further Consolidated Appropriations Act, 2020, Public Law 116–94, div. J, title IX, § 901, 133 Stat. 2534, 3079–81 (2019) (codified as amended at 22 U.S.C. 2680b). These benefits were limited to State Department employees only (*i.e.,* not other employees under Chief of Mission (''COM'') authority).

On January 1, 2021, Congress amended this law to authorize other Federal Government agencies to provide benefits to their own employees under COM authority if they suffered similar injuries. National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 1110, 134 Stat. 3388, 3892–93 (2021).

On October 8, 2021, Congress passed the Helping American Victims Afflicted by Neurological Attacks or the HAVANA Act of 2021, Public Law 117–46, 135 Stat. 391 (2021) (''HAVANA Act''). In the HAVANA Act, Congress authorized Federal Government agencies to compensate affected current employees, former employees, and their dependents for qualifying injuries to the brain. The HAVANA Act also omitted the previous law's requirement that the qualifying injury must occur in the Republic of Cuba, the People's Republic of China, or another foreign country designated by the Secretary of State. The scope of coverage now includes a qualifying injury that occurs in any foreign or domestic location. The HAVANA Act requires Federal agencies who make payments under the HAVANA Act to prescribe implementing regulations not later than 180 days after the effective date of the Act. Section 9216 of the National Defense Authorization Act for Fiscal Year 2023, Public Law 117–263, 136 Stat. 2395, 3877 (2022) (codified at 22 U.S.C. 2680b(j)), provided agencies with authority to designate incidents affecting employees or dependents who are not under the security responsibility of the Secretary of State.

This rule implements section 3 of the HAVANA Act as it applies to the Department of Justice (the ''Department''). This rule only applies to current and former employees of the Department and their dependents, as defined in § 106.2 of this rule.

On June 30, 2022, the Department of State published an interim final rule to implement its requirements under the HAVANA Act, with an effective date of August 15, 2022. 87 FR 38981 (June 30, 2022) (codified at 22 CFR pt. 135). The Department of State subsequently published a final rule that became effective on January 25, 2023. 88 FR 4722 (Jan. 25, 2023) (codified at 22 CFR pt. 135). The Department of Justice has independently reviewed the approach implemented by the Department of State in these rules and has determined that its approach is reasonable and well considered. Accordingly, the Department of Justice plans to adopt that approach as appropriate in its regulations to ensure consistency of benefits among Federal employees and their dependents. In particular, the Department based its final rule on the Department of State's definitions and process for the payment of benefits.

On December 18, 2025, Congress amended the HAVANA Act to cover qualifying injuries dating back to September 11, 2001, rather than January 1, 2016 (Pub. L. 119–60, Sec. 5604).

Definitions—§ 106.2

The rule defines those who are eligible to receive payments: covered employees (including current and former employees) and covered dependents who on or after September 11, 2001, experience a qualifying brain injury. A ''covered employee'' includes all Department employees, including employees on Limited Non-Career Appointments, employees on Temporary Appointments, personnel hired on Personal Services Contracts,

and students providing volunteer services under 5 U.S.C. 3111.

An employee's family member is a covered dependent if, on or after September 11, 2001, the family member experiences a qualifying injury. The rule defines the family members who are eligible as certain dependent children, parents residing with the employee sponsor, dependent siblings, or spouses.

For the purposes of this rule, the Department also adopts the Department of State's definition of ''qualifying injury to the brain.'' 22 CFR 135.2. The Department has determined that the Department of State definition is reasonable and well considered. The Department of State consulted with the chief medical officers at other Federal agencies and experts at civilian medical centers of excellence. There is no diagnostic code or criteria for AHIs in the International Classification of Diseases, Tenth Revision, Clinical Modification (ICD–10–CM). Because of the varied symptoms and still nascent understanding of how to test or otherwise screen for AHI impacts, the standard adopted is broadly inclusive of the types of injuries that have been reported to date.

The definition of ''qualifying injury to the brain'' is based on current medical practices related to brain injuries. The individual must have: (1) an acute injury to the brain such as a concussion, a penetrating injury, or an injury as the consequence of an event that leads to permanent alterations in brain function as demonstrated by confirming correlative findings on imaging studies; (2) a medical diagnosis of a traumatic brain injury that required active medical treatment for 12 months or more; or (3) the acute onset of new, persistent, disabling neurologic symptoms, as demonstrated by confirming correlative findings on imaging studies or a physical exam or other appropriate testing, that required active medical treatment for 12 months or more.

The first component of the definition of ''qualifying injury to the brain'' set forth in § 106.2(d)(2)(i) accounts for a variety of observable impacts to an individual, including a concussion or a penetrating injury or, absent either of those, permanent alterations in brain function as confirmed by a board-certified physician's review of a variety of forms of medical imaging evidence. The goal with this standard is to ensure there is some documented evidence of impact to the brain, while minimally circumscribing what that impact entails. The second and third components of the definition (paragraphs (d)(2)(ii)–(iii) of the definition) are intended to provide alternative avenues for demonstrating sustained, long-term impact to the individual. This benefit is intended for individuals who experience long-term consequences, potentially including an inability to gainfully work, as a result of a reported AHI.

The standard is consistent with that employed by other agencies, including the Department of State. A 12-month threshold of active medical treatment is indicative of a long-term injury. For example, the Centers for Disease Control and Prevention (''CDC'') broadly defines chronic diseases ''as conditions that last 1 year or more and require ongoing medical attention or limit activities of daily living or both.'' CDC, *About Chronic Diseases, https://www.cdc.gov/chronic-disease/about/index.html* (last reviewed October 8, 2026). The Department notes that applicants who have suffered kinetic or external, physically caused injuries to the brain such as the head striking an object, the brain undergoing an acceleration or deceleration movement, or brain injuries from events such as a blast or explosion, including penetrating injuries, may be eligible if the injuries satisfy the other requirements of this rule.

Under the HAVANA Act, the injury must have occurred ''in connection with war, insurgency, hostile act, terrorist activity, or other incidents designated by the Secretary of State,'' and cannot have been ''the result of the willful misconduct'' of the covered individual. 22 U.S.C. 2680b(e)(4)(A)(ii)–(iii), (e)(4)(B)(ii)–(iii), (i)(1)(D). The Department will work with an applicant upon the applicant's submission of the DS–4316, ''Eligibility Questionnaire for HAVANA Act Payments,'' to determine whether his or her alleged incident qualifies.

The definition of ''other incident'' is a new onset of physical manifestations that cannot otherwise be readily explained and that is designated under 22 U.S.C. 2680b. The Department will review available information on the reported incident. If a physician does not indicate that there is a credible alternative explanation for the individual's symptoms, and if the information the Department has regarding the incident does not provide a credible alternative explanation for the incident, that incident will be recommended for designation. Incidents for which an alternative explanation has been identified will not be recommended for designation. For incidents affecting employees or dependents who are not under the security responsibility of the Secretary of State, the Department will determine whether to designate such incidents.

Eligibility for Payments—§ 106.3

The Department will make available to its workforce information on the regulations and the process to apply for HAVANA Act payments. Current employees, former employees, and covered dependents (as defined in this rule) can apply for consideration. Applicants will be required to provide the necessary documentation so the Department may determine whether they qualify for payment. The DS–4316, ''Eligibility Questionnaire for HAVANA Act Payments,'' is the form associated with developing the necessary evidence to submit a claim, and it will be available upon request with instructions on how to apply for a HAVANA Act payment. A portion of the form must be filled out by a qualified physician; the rule specifies certain board certification requirements for physicians who can evaluate a qualifying injury to the brain.

The Department has determined that the payment scheme set forth in the Department of State's HAVANA Act regulations, 22 CFR 135.3, is well reasoned and provides an effective means of compensating covered employees. Accordingly, the Department has adopted it for purposes of this rulemaking. Pursuant to this final rule, the Department, in its discretion, may authorize a one-time, non-taxable, lump sum payment based on, and may not exceed, Level III of the Executive Schedule. *See* 5 U.S.C. 5311 *et seq.* The payment is non-taxable pursuant to 22 U.S.C. 2680b(g). Payment eligibility and the amount of the payment will be at the Department's discretion. The maximum should be awarded only where a condition has a consistent, sustained, and exceptionally severe impact on a victim's quality of life or prevents a victim from successfully performing his or her work-related duties. The purpose is to compensate individuals only for qualifying brain injuries that meet the criteria set forth in this rule. The following factors will be taken into account to determine the amount of the payment to be authorized: (1) the applicant's responses on the eligibility form; and (2) whether the Department of Labor (Office of Workers' Compensation Programs) has determined that the applicant has no reemployment potential for the indefinite future, the Social Security Administration (''SSA'') has approved the applicant for Social Security Disability Insurance or Supplemental Security Income benefits, or the applicant's board-certified physician has certified that the individual requires a full-time caregiver for activities of daily living, as defined

by the Katz Index of Independence in Activities of Daily Living.

The award thresholds are based on, and may not exceed, Level III of the Executive Schedule. A Base payment will be 75 percent of Level III pay, and a Base+ payment will be 100 percent of Level III pay. The specific use of Level III of the Executive Schedule sets the compensation at the maximum annual salary potentially available to most of the Federal workforce. The Department believes this amount is the most it can reasonably compensate each applicant while ensuring funds for the total number of applicants it believes will likely receive payments. If the applicant meets any of the criteria for severe impacts, the applicant will be eligible to receive a Base+ payment. Applicants whose board-certified physician confirms that the definition of qualifying injury to the brain has been met, but who have not met any of the criteria for severe impacts, will be eligible to receive a Base payment.

The criteria established for severe impacts are reflective of the Department's objective of ensuring that the individuals most severely affected by AHIs (as indicated by a lack of reemployment potential, an inability to engage in substantial gainful activity, or the need for a full-time caregiver) receive additional payment. The use of the Department of Labor's or the SSA's determination is to ensure that both Federal employees as well as their dependents have access to a mechanism for this determination. The Department recognizes that the criteria the Department of Labor and SSA use in their determinations are distinct, as well as the fact that the procedural timelines for seeking and receiving approval may be different between these agencies. The third option, that a board-certified physician certify that the individual requires a full-time caregiver for activities of daily living, provides an alternative mechanism for all individuals. Finally, the Department notes that if an applicant who received a Base payment later meets any of the criteria listed for severe impacts, the applicant may apply for an additional payment that will be the difference between the Base and Base+ payment. As the payments are tied to the Executive Schedule payment levels, the amounts will change over time based on changes to the Federal salary schedule. Payments will be based on the Executive Schedule in effect at the time the payment was approved.

While payments under the HAVANA Act may be in addition to other leave benefits, disability benefits, or workers' compensation payments that the applicant may be receiving or may be entitled to receive that also help augment any loss of income, the Department believes this is an appropriate additional payment. This payment scheme is also consistent with what is being offered by other Federal agencies and will ensure consistency of benefits among affected individuals.

The Department notes that payments may only be made using amounts appropriated in advance specifically for this purpose in the relevant fiscal year, unless Congress specifies otherwise. Therefore, payments are contingent on appropriated funds, and all payments will be paid out on a first-come, first-served basis.

Consultations With the Department of State—§ 106.4

Under the rule, the Department's procedures for determining whether an incident has been designated under 22 U.S.C. 2680b include, where appropriate, consultation with the Secretary of State. *See* 22 U.S.C. 2680b(i)(1)(D) (cross-referencing subparagraph 2680b(e)(4)).

Procedures—§ 106.5

Each Federal agency is responsible for (1) processing applications for the HAVANA Act payments; (2) determining or, as necessary, consulting with the Secretary of State to determine, whether the incident causing the injury may be deemed a designated incident under the statute, *see* 22 U.S.C. 2680b(j); *id.* 2680b(i)(1)(D) (cross-referencing subparagraph 2680b(e)(4)); (3) determining eligibility for the benefit, determining the amount of the benefit, and processing payment of the benefit; and (4) notifying applicants upon receipt of their applications and when a decision has been made whether to authorize payment.

The Operations Director, Human Capital Branch, Federal Bureau of Investigation (''FBI''), is authorized to approve HAVANA Act payments to FBI employees or their covered dependents. The Deputy Assistant Attorney General for Human Capital, Justice Management Division (''JMD''), is authorized to approve HAVANA Act payments for all other Department employees or their covered dependents. If payment is denied by the designated FBI or JMD official, the applicant may direct an appeal to the Assistant Attorney General for Administration within 60 days of the notification of denial, but decisions on the amount of payment are not appealable.

Regulatory Analysis

In developing this final rule, the Department considered numerous statutes and executive orders applicable to rulemaking. The Department's analysis of the applicability of those statutes and executive orders to this rule is summarized below.

Congressional Review Act

This rule is not a major rule as defined by 5 U.S.C. 804 for the purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801–808.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of $100 million in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not preempt Tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Regulatory Flexibility Act: Small Business

A regulatory flexibility analysis is not required under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* because the Department was not required to issue a notice of proposed rulemaking.

Executive Order 12866, Executive Order 13563, and Executive Order 14192

The Department provided this final rule to the Office of Management and Budget for its review. The Office of Information and Regulatory Affairs has designated this rule as ''significant'' under Executive Order 12866. The Department has also reviewed the rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and finds that the benefits of the rule (in providing mechanisms for individuals to obtain compensation for certain injuries) outweigh any costs to the public, which are limited, given the anticipated small number of individuals with qualifying injuries. The

Department has also considered this rulemaking in light of Executive Order 13563 and affirms that this proposed regulation is consistent with the guidance therein. This rule merely finalizes an existing interim final rule without substantive change and imposes no incremental costs. Therefore, it is not a regulatory action under Executive Order 14192.

Executive Order 12988

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

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationships between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rulemaking is related to an information collection for the DS–4316, ''Eligibility Questionnaire for HAVANA Act Payments,'' OMB Control Number 1405–0250.

List of Subjects in 28 CFR Part 106

Government employees, Federal retirees, Health care.

Accordingly, the interim rule adding 28 CFR part 106, which was published at 89 FR 28633 on April 19, 2024, is adopted as final with the following changes:

■ 1. The authority citation for part 106 continues to read as follows:

Authority: 22 U.S.C. 2680b.

§ 106.2 [Amended]

■ 2. Amend § 106.2 by:
■ a. In paragraph (a)(1) removing the date ''January 1, 2016'' and adding in its place the date ''September 11, 2001'';
■ b. In paragraph (b) removing the date ''January 1, 2016'' and adding in its place the date ''September 11, 2001''; and
■ c. In paragraph (d):
■ i. Removing the term ''Executive Assistant Director, Human Resources Branch'' and adding in its place the term, ''Operations Director, Human Capital Branch''; and
■ ii. Removing the term ''Deputy Assistant Attorney General, Human Resources and Administration'' and adding in its place the term, ''Deputy Assistant Attorney General, Human Capital.''

Dated: October 22, 2026.

Todd Blanche,

Attorney General.

[FR Doc. 2026–21923 Filed 10–26–26; 8:45 am]

BILLING CODE 4410–AR–P

NATIONAL MEDIATION BOARD

29 CFR Parts 1203, 1208, and 1209

Change of Address; Technical Amendment

AGENCY: National Mediation Board.

ACTION: Final rule.

SUMMARY: The National Mediation Board (NMB) is issuing this final rule; technical amendment to amend its regulations to reflect a change in address for its Washington, DC headquarters office. This technical amendment is a nomenclature change that replaces outdated addresses with the NMB's current headquarters address. Additionally, this final rule amends the NMB's regulations to eliminate references to the NMB Chief of Staff position, a position that no longer exists in the agency's organization. This action is administrative, technical, and editorial in nature; is necessary to provide accuracy and clarity to the NMB's Rules; and does not alter the rights, duties, or obligations of the public.

DATES: The final rule is effective October 27, 2026.

FOR FURTHER INFORMATION CONTACT: John Gross, Counsel, National Mediation Board, Office of Legal Affairs, P.O. Box 23300, Washington, DC 20026; telephone number: 202–815–1647; email address: *gross@nmb.gov.*

SUPPLEMENTARY INFORMATION: The NMB maintains regulations in title 29, parts 1201–1209 of the Code of Federal Regulations, a number of which identify the agency's Washington, DC headquarters address and/or a staff position that no longer exists in the agency's organization. On August 1, 2026, NMB's Washington, DC headquarters office relocated from 1301 K St. NW, Suite 250–E, Washington, DC 20005 to 445 12th St. SW, Suite 2500, Washington, DC 20024. This final rule updates NMB's regulations at 29 CFR 1203.1, 1203.3(a), 1208.2(a), 1208.2(b)(6)(ii), 1208.2(c), 1208.7(a), 1209.07(f), and 1209.08(d) to reflect the NMB's current headquarters address and eliminate references to the non-existent staff position. The NMB has already notified the public of the address change on its website and through other means of communication.

Regulatory Analysis

A. Administrative Procedure Act

This action is taken under NMB's authority, at 5 U.S.C. 552, to publish regulations in the **Federal Register**. Under the Administrative Procedure Act (APA), at 5 U.S.C. 553(b)(3)(B), statutory procedures for agency rulemaking do not apply ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' The NMB finds that such notice and public procedure are impracticable, unnecessary, or contrary to the public interest, on the grounds that: (1) These amendments are technical and non-substantive; and (2) the public benefits from timely notification of a change in the official agency headquarters address, and further delay is unnecessary and contrary to the public interest. Similarly, because this final rule makes no substantive changes and merely reflects, in existing regulations, a change of address and the removal of references to a staff position that no longer exists in the agency, this rule is not subject to the effective date limitation of 5 U.S.C. 553(d).

B. Congressional Review Act

As this is a rule of agency organization, procedure, or practice that does not substantially affect the rights and obligations of non-agency parties, it is not a ''rule'' covered by the Congressional Review Act, 5 U.S.C. 804(3)(C).

C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

D. Executive Orders 12866, 14192, and 13563

This rule is ''not significant'' under Executive Order 12866; therefore, the rule is exempt from the provisions of Executive Order 14192. The benefit of the rule in providing clarity to the public on the current address of the

agency's Washington, DC headquarters office and eliminating references in the NMB's regulations to a position that no longer exists within the agency outweighs any costs to the public, which are minimal or non-existent.

E. Regulatory Flexibility Act: Small Business

The NMB certifies that this rule will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121). The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b) of the APA. Consistent with section 553(b)(3)(B) of the APA, and as noted above, the NMB has determined for good cause that general notice and opportunity for public comment is unnecessary because the rule makes only technical changes to its regulations and does not alter any substantive standard, and, therefore, the NMB is not issuing a notice of proposed rulemaking. Accordingly, the NMB has concluded that a regulatory flexibility analysis under the RFA is not required. We are taking this action to ensure our Rules reflect updated and accurate information for the public.

This action is not a major rule as defined by section 804 of the SBREFA. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies to compete with foreign-based companies in domestic and export markets.

F. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.,* is not required.

List of Subjects

29 CFR Part 1203

Administrative practice and procedure, Air carriers, Labor management relations, Railroads.

29 CFR Part 1208

Confidential business information, Freedom of information.

29 CFR Part 1209

Sunshine Act.

For the reasons discussed in the preamble, the NMB amends 29 CFR Chapter X as follows:

PART 1203—APPLICATIONS FOR SERVICE

■ 1. The authority citation for part 1203 continues to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

■ 2. Amend § 1203.1 by revising the first sentence to read as follows:

§ 1203.1 Mediation services.

Applications for the mediation services of the National Mediation Board under section 5, First, of the Railway Labor Act, may be made on printed forms N.M.B. 2, copies of which may be secured from the Board's Office of Mediation Services or on the internet at *www.nmb.gov.* * * *

■ 3. Amend § 1203.3 by revising the first sentence of paragraph (a) to read as follows:

§ 1203.3 Interpretation of mediation agreements.

(a) Applications may be filed with the Board under section 5, Second, of the Railway Labor Act, for the interpretation of agreements reached in mediation under section 5, First. * * *

* * * * *

PART 1208—AVAILABILITY OF INFORMATION

■ 4. The authority citation for part 1208 continues to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

■ 5. Amend § 1208.2 by:

■ a. Revising the first sentence of paragraph (a)(1);

■ b. Revising paragraph (b)(6)(ii); and

■ c. Revising the second sentence of paragraph (c)(1).

The revisions read as follows:

§ 1208.2 Requests for records or information under the Freedom of Information Act.

(a) * * *

(1) All requests for NMB records shall be filed in writing by emailing *FOIA@nmb.gov* or mailing the request to the Chief FOIA Officer, National Mediation Board, 445 12th St. SW, Suite 2500, Washington, DC 20024. * * *

* * * * *

(b) * * *

(6) * * *

(ii) A statement that the denial may be appealed within 90 days by writing to the Chairman, by emailing *FOIA@nmb.gov,* or by writing to National Mediation Board, 445 12th St. SW, Suite 2500, Washington, DC 20024, and that judicial review will thereafter be available in the district in which the requester resides, or has his principal place of business, or the district in which Agency records are situated, or the District of Columbia.

* * * * *

(c) * * *

(1) * * * Appeals to the Chairman shall be in writing, addressed to the Chairman, National Mediation Board, 445 12th St. SW, Suite 2500, Washington, DC 20024 or emailed to *FOIA@nmb.gov.*

* * * * *

■ 6. Amend § 1208.7 by revising the first sentence of paragraph (a) to read as follows:

§ 1208.7 Subpoenas and other requests for testimony and production of documents in legal proceedings where the NMB is not a party.

(a) In legal proceedings between private litigants, a subpoena or other demand for the production of records held by the Agency or for oral or written testimony of a current or former NMB employee should be addressed to the General Counsel, National Mediation Board, 445 12th St. SW, Suite 2500, Washington, DC 20024. * * *

* * * * *

PART 1209—PUBLIC OBSERVATION OF NATIONAL MEDIATION BOARD MEETINGS

■ 7. The authority citation for part 1209 continues to read as follows:

Authority: 5 U.S.C. 552(b)(g).

■ 8. Amend § 1209.07 by revising paragraph (f) to read as follows:

§ 1209.07 Notice of meetings; public announcement and publication.

* * * * *

(f) Announcement of meeting made pursuant to the provisions of this section shall be posted on a bulletin board maintained for such purpose at the Board's offices, 445 12th St. SW, Suite 2500, Washington, DC 20024. Interested individuals or organizations may request the National Mediation Board, 445 12th St. SW, Suite 2500, Washington, DC 20024 to place them on a mailing list for receipt of such announcements.

■ 9. Amend § 1209.08 by revising the second sentence of paragraph (d) to read as follows:

§ 1209.08 Transcripts, recordings or minutes of closed meetings; retention; public availability.

* * * * *

(d) * * * Requests for copies of transcripts or minutes, or transcriptions of electronic recordings of Board meetings shall be directed to the National Mediation Board, 445 12th St. SW, Suite 2500, Washington, DC 20024.

* * *

Dated: October 22, 2026.

Michael Jerger,

Chief Financial Officer, Acting Director of Administration, National Mediation Board.

[FR Doc. 2026–21851 Filed 10–26–26; 8:45 am]

BILLING CODE 7550–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Office of the Secretary of the Interior

43 CFR Part 51

[Docket No. DOI–2024–0011; 267D0102DM DS61900000 DMSN00000.000000 DX61901]

RIN 1090–AB29

Subsistence Management Regulations for Public Lands in Alaska—2026–27 and 2027–28 Subsistence Taking of Wildlife Regulations

AGENCY: Forest Service, Agriculture; Office of Subsistence Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule revises regulations for hunting and trapping seasons, harvest limits, and methods and means related to taking of wildlife for subsistence uses during the 2026–27 and 2027–28 regulatory years. The Federal Subsistence Board (hereafter referred to as ''the Board'') is on a schedule of completing the process of revising subsistence taking of wildlife regulations in even-numbered years and subsistence taking of fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. This final rule revises the existing subsistence wildlife taking regulations, the general regulations on subsistence taking of fish and wildlife, customary and traditional use determinations, and addresses a deferred proposal regarding eulachon harvest in District 1 from the last fish cycle and a deferred proposal regarding brown bear hide sales from the last wildlife cycle. This final rule also makes administrative corrections to the regulations and corrects errors discovered since the last rulemaking.

DATES: This rule is effective October 27, 2026.

ADDRESSES: The comments received in response to the proposed rule are available at *https://www.regulations.gov* in Docket No. DOI–2024–0011. Federal Subsistence Board meeting transcripts are available for review on the Office of Subsistence Management (OSM) website (*https://www.doi.gov/subsistence*); and at *https://www.regulations.gov* in Docket No. DOI–2024–0011.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o Office of Subsistence Management, Attention: Crystal Leonetti, Director; (907) 786–3888 or *subsistence@ios.doi.gov.* For questions specific to National Forest System lands, contact Gregory Risdahl, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 302–7354 or *gregory.risdahl@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (hereafter referred to as ''the Secretaries'') jointly implement the Federal Subsistence Management Program (hereafter referred to as ''the Program''). The Program provides a priority for take of fish and wildlife resources for nonwasteful subsistence uses on Federal public lands and waters in Alaska. Only Alaska residents of areas identified as rural are eligible to participate in the Program. The Secretaries published temporary regulations to carry out the Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations on May 29, 1992 (57 FR 22940). Program officials have subsequently amended these regulations many times. Because the Program is a joint effort between the Departments of the Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): The Agriculture regulations are at title 36, ''Parks, Forests, and Public Property,'' and the Interior regulations are at title 43, ''Public Lands: Interior,'' at 36 CFR 242.1–28 and 43 CFR 51.1–28, respectively. Consequently, to indicate that identical changes are proposed for regulations in both titles 36 and 43, in this document we will present references to specific sections of the CFR as shown in the following example: § ____.24.

The Program regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife. Consistent with subpart B of these regulations, the Secretaries established the Board to administer the Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- Five public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska State Director, Bureau of Land Management (BLM);
- The Alaska Regional Director, National Park Service (NPS);
- The Alaska Regional Director, U.S. Fish and Wildlife Service (FWS); and
- The Pacific Geographic Area Regional Forester, U.S. Forest Service.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D. Subpart C sets forth important Board determinations regarding program eligibility (*i.e.,* which areas of Alaska are considered rural and which species are harvested in those areas as part of a ''customary and traditional use'' for subsistence purposes). Subpart D sets forth specific seasons, limits, and other harvest parameters and requirements.

In administering the Program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Council). The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

The Board conducts rulemaking for the Program on a biennial schedule with the process of revising the fish and shellfish regulations and the process for revising the wildlife regulations occurring during opposite years. The Board addresses ''customary and traditional use'' determinations during the applicable biennial cycle. The regulations at § ____.4 define ''customary and traditional use'' as ''a

long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation.'' Since establishment of the Program regulations in 1992, the Board has made a number of customary and traditional use determinations at the request of affected subsistence users. These determinations have resulted in revisions to the regulations at § ____.24. Those modifications, along with some administrative corrections, were published in the **Federal Register** as follows:

Table 1—Modifications to § ___.24, Customary and Traditional Use Determinations

Federal Register citation	Date of publication	Rule made changes to the following provisions of ___.24
59 FR 27462	May 27, 1994	Wildlife and Fish/Shellfish.
59 FR 51855	October 13, 1994	Wildlife and Fish/Shellfish.
60 FR 10317	February 24, 1995	Wildlife and Fish/Shellfish.
61 FR 39698	July 30, 1996	Wildlife and Fish/Shellfish.
62 FR 29016	May 29, 1997	Wildlife and Fish/Shellfish.
63 FR 35332	June 29, 1998	Wildlife and Fish/Shellfish.
63 FR 46148	August 28, 1998	Wildlife and Fish/Shellfish.
64 FR 1276	January 8, 1999	Fish/Shellfish.
66 FR 10142	February 13, 2001	Fish/Shellfish.
67 FR 5890	February 7, 2002	Fish/Shellfish.
68 FR 7276	February 12, 2003	Fish/Shellfish.
69 FR 5018	February 3, 2004	Fish/Shellfish.
70 FR 13377	March 21, 2005	Fish/Shellfish.
71 FR 15569	March 29, 2006	Fish/Shellfish.
72 FR 12676	March 16, 2007	Fish/Shellfish.
72 FR 73426	December 27, 2007	Wildlife/Fish.
74 FR 14049	March 30, 2009	Fish/Shellfish.
76 FR 12564	March 8, 2011	Fish/Shellfish.
77 FR 35482	June 13, 2012	Wildlife.
79 FR 35232	June 19, 2014	Wildlife.
81 FR 52528	August 8, 2016	Wildlife.
83 FR 3079	January 23, 2018	Fish.
83 FR 50758	October 9, 2018	Wildlife.
84 FR 39744	August 12, 2019	Fish.
85 FR 74796	November 23, 2020	Wildlife.
87 FR 44846	July 26, 2022	Wildlife.
89 FR 14746	February 29, 2024	Fish.
89 FR 70348	August 29, 2024	Wildlife

Current Rulemaking Action

The Departments published a proposed rule, Subsistence Management Regulations for Public Lands in Alaska—2026–27 and 2027–28 Subsistence Taking of Wildlife Regulations, on January 21, 2025 (90 FR 6922), to amend the regulations in subparts C and D of 36 CFR part 242 and 50 CFR part 100 for seasons, harvest limits, and methods and means related to taking of wildlife for subsistence uses. Since the Department of the Interior Federal subsistence regulations were subsequently relocated from 50 CFR part 100 (90 FR 34148, July 18, 2025), the regulations referenced in the remainder of this document will be 36 CFR part 242 and 43 CFR part 51.

The proposed rule opened a comment period that closed on April 4, 2025. The Departments advertised the proposed rule on the Program's web page and social media, and it was sent via email. The Councils met between February 19 and April 2, 2025, and in addition to other business, received suggestions for proposals from the public. The Board received a total of 84 proposals, 1 of which was classified as invalid. The invalid proposal requested a change to the Unit 2 black bear harvest limit for nonresidents, which is outside of the Board's authority. The Board received 7 valid proposals for changes to subpart C (customary and traditional use determinations) and 76 valid proposals for changes to subpart D regulations (which are specific provisions regarding the take of fish and wildlife). In addition, 18 wildlife closure reviews were presented for comment as required

by Board policy that specifies a review of each closure at least every 4 years. The Board also addressed one request for reconsideration submitted in response to the Board changing the status of Ketchikan from nonrural to rural, and one deferred proposal from the previous fish and shellfish regulatory cycle (90 FR 34152, July 18, 2025).

The public submitted twelve general comments, which are available for review at *https://www.regulations.gov* in Docket No. DOI–2024–0011. Most of these comments supported some combination of the proposed rule and the Title VIII rural priority and conservation mandate. Another comment expressed concern for effects on wildlife populations but supported the Board's holistic decision-making process. The remaining comment supported including proposed meeting dates to maximize participation. We provided fall and winter meeting dates and locations for the ten Councils. We did not provide specific dates for the Board meeting because the dates were unknown. The remaining public comment was outside the scope of this rulemaking action.

After the comment period closed, the Board posted the proposals on the Program website and distributed a news release notifying the public on May 7, 2025. The public then had 55 days, until June 30, 2025, to comment on the proposed regulatory changes.

The 10 Councils met again between September 16, 2025, and March 13, 2026, received public comments, and formulated their recommendations to the Board on proposals and closure reviews for their respective regions. The public also had an opportunity to comment at the Board meeting. Therefore, the public received extensive opportunity to review and comment on all changes.

The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board's public meeting held April 21–24, 2026.

Summary of Board Actions on Proposals and Closure Reviews

The Board's actions on each proposal and closure review are listed in table 2 below. When making decisions, the Board may consider, among other factors, whether a proposal:

- provides a subsistence priority on public lands;
- is supported by substantial scientific evidence and traditional ecological knowledge (TEK);
- recognizes principles of fish and wildlife conservation;
- provides opportunity; and
- would not be detrimental to or place undue burden on rural Alaskan subsistence users.

The Board considered 83 wildlife proposals and 18 wildlife closure reviews during the 2026–28 wildlife regulatory cycle. The Board adopted 51 of the proposals, deferred 5, approved the withdrawal of 3 (WP26–27 and WP26–41/42), rejected 12, and took no action on 12. The Board acted on 18 wildlife closure reviews, voting to retain status quo on 13 of them, rescind 3, and take no action on 2. The Board adopted deferred fisheries proposal FP25–02 as modified by the Southeast Alaska Subsistence Regional Advisory Council and determined the requests for reconsideration of Ketchikan's rural status (RFR25–01) do not meet the threshold for further consideration.

Consensus agenda: The consensus agenda is made up of proposals and closure reviews for which there is agreement concerning a proposed regulatory action among the affected Councils, a majority of the Interagency Staff Committee members, and the Alaska Department of Fish and Game (ADF&G). Anyone may request that the Board remove a proposal or a closure review from the consensus agenda and place it on the non-consensus agenda. Proposals or closure reviews may be taken off the consensus agenda following the agreement of at least one Board member; such proposals or closure reviews then follow the Board's process for non-consensus items and are deliberated and voted on individually. Wildlife proposals WP26–22 regarding trapping setbacks in Unit 7, WP26–62b regarding establishing a muskox hunt in Unit 22A, and WP26–66 regarding wolf hunting in Unit 23 were moved from the consensus agenda to the non-consensus agenda at the request of the public and agreement by the Board. Of the proposals and closure reviews being considered, 39 were on the consensus agenda. The Board votes *en masse* on the consensus agenda after deliberation and action on all other proposals.

Of the proposals on the consensus agenda, the Board adopted 17 as they were written, adopted 3 with modifications, rejected 8, and took no action on 5. Of the closure reviews on the consensus agenda, the Board retained the status quo on four and rescinded two. Analysis and justification for the action taken on each proposal on the consensus agenda can be found in the Board meeting book and transcripts for the meeting that occurred April 21–24, 2026 in Anchorage, AK.

Non-consensus agenda: Of the proposals and closure reviews being considered, 59 were on the Board's non-consensus agenda. The Board adopted 15 as written, adopted 16 with modification, deferred 5, rejected 4, took no action on 7, and withdrew 3. Of the closure reviews on the non-consensus agenda, the Board retained the status quo on nine, retained one with modification, rescinded one, and took no action on one. Analysis and justification for the action taken on each item on the non-consensus agenda can be found in the Board meeting book and transcripts.

All of the documents referenced in this section are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503 or on the OSM website (*https://www.doi.gov/subsistence*).

BILLING CODE 3411–15–P; 4334–13–P

Table 2—Federal Subsistence Board Actions on Proposed Revisions to the Regulations for the Federal Subsistence Management Program

Proposal Number	Species or Issue	Location or Unit	General Description	Board Action	Basis for Board Decision
WP26-01	Delegation of Authority	Statewide	Move authority delegated in letters to unit specific regulations	Defer to 2027 Fisheries Meeting	OSM requested deferral
WP26-02	Big Game	1, 2, 3, 4, 5	Prohibit take between civil sunset and sunrise	Reject	Consensus Agenda
WP26-03	Deer	2	Close to non-federally qualified users (NFQUs)	Adopt as modified by the Southeast Council	In deference to the Council
WP26-04	Deer	2	Conduct ANILCA 804 analysis	Adopt as modified by the Southeast Council	In deference to the Council
WP26-05	Deer	2	Limit subsistence deer harvest via ANILCA 804 analysis; limit NFQUs to one buck, starting Aug. 15	Take No Action	Based on action taken for WP26-03/04
WP26-06	Deer	2	Eliminate doe hunt	Take No Action	Based on action taken for WP26-03/04
WP26-07	Deer	2	Eliminate doe hunt	Take No Action	Based on action taken for WP26-03/04
WP26-08	Deer	2	Eliminate Jan. season	Take No Action	Based on action taken for WP26-03/04
WP26-09	Wolf	2	Shorten season to open Dec. 15	Reject	Consensus Agenda
WP26-10	Wolf	2	45-day guaranteed season from Nov. 15–Dec. 31	Reject	Council recommendation violates recognized principles of fish and wildlife management
WCR26-01	Deer	2	Closure to NFQUs Aug.1–15, may otherwise only harvest 2 bucks	Take No Action	Based on action taken for WP26-03/04

WCR26-02	Moose	5	Unit 5A, except Nunatak Bench - seasonal closures to NFQUs	Modify the Closure as recommended by OSM, rescind the closure in Unit 5A east	Closure was not necessary to meet subsistence needs
WP26-11	Black Bear	6D	Require a Federal registration permit; Close portions to NFQUs	Reject	Consensus Agenda
WP26-12	Brown Bear	6	Recognize customary and traditional use (C&T) for Cordova	Adopt	In deference to the Council
WP26-13a	Brown bear	6	Recognize C&T for Cordova	Adopt	In deference to the Council
WP26-14a	Brown bear	6	Recognize C&T for Chenega and Tatitlek	Adopt	In deference to the Council
WP26-13b	Brown bear	6	Establish hunt (1 bear by Federal permit; Aug. 1–June 30)	Adopt as modified by OSM to divide Unit 6 into two hunt areas, and delegate authority to the Cordova District Ranger	In deference to the Council
WP26-14b	Brown bear	6	Establish hunt (1 bear; Aug. 1–June 30)	Adopt as modified by OSM to divide Unit 6 into two hunt areas, and delegate authority to the Cordova District Ranger	In deference to the Council
WP26-15	Deer	6D	Close Hawkins and Hinchinbrook Islands to NFQUs	Reject	Does not meet ANILCA criteria for closures
WP26-16	Beaver	6	Increase possession limit to 3; extend hunting season to year-round	Adopt	In deference to the Council

WP26-17	Moose	7	Establish late fall season (Oct. 20–Nov. 10)	Adopt	In deference to the Council
WP26-18	Furbearers	7	Require 100-yard setback from Kenai Lake beaches	Take No Action	Consensus Agenda
WP26-19	Furbearers	7	Require 50-yard setback around campgrounds	Adopt as modified by OSM	Consensus Agenda
WP26-20	Furbearers	7	Require 100-yard setback from highway pullouts and winter trail in Summit Lake Recreation Area	Take No Action	Consensus Agenda
WP26-21	Furbearers	7	Require 'Active Trapping' signs to be posted	Take No Action	Consensus Agenda
WP26-22	Furbearers	7	Require 100-yard setbacks along Quartz Creek Road, Old Sterling Hwy, and Sterling Hwy pullouts	Defer until the 2027 Fisheries Regulatory meeting	Allow ADF&G to publish State regulations, so there can be possible alignment between State and Federal regulation
WP26-23	Furbearers	7	Require 100-yard setbacks along trails	Take No Action	Consensus Agenda
WP26-24	Brown bear	11	Increase harvest limit to two bears	Adopt	In deference to the Council
WP26-25	Brown bear	13	Increase harvest limit to two bears	Adopt	Consensus Agenda
WP26-26	Brown bear	13	Increase harvest limit to two bears	Adopt	Consensus Agenda
WP26-27	Caribou	13	Change harvest limit to up to 2 caribou in Unit 13 remainder	Withdrawn	BLM Board Member requested withdrawal
WP26-28a	Moose	11	Extend season to close Sep. 30	Adopt with Board modification to establish a may-be-announced	Balances conservation with subsistence opportunity and in deference to Council

				moose season in Unit 11 from Sep. 21-30 and to delegate authority	
WP26-28b	Moose	13	Extend season to close Sep. 30	Adopt	In deference to the Council
WP26-29	Moose	13	Shift season 5 days later to Aug. 6–Sep. 25	Take No Action	Based on action taken for WP26-28b
WP26-30	Moose	13	Shift season 10 days later to Aug. 11–Sep. 30	Take No Action	Based on action taken for WP26-28b
WP26-31	Moose	13	Close BLM lands to non-federally qualified users	Adopt	In deference to the Council
WP26-32	Brown Bear	8	Recognize C&T of Kodiak	Adopt with Board modification	Board modification more aligned with original intent of proposal and in deference to Council
WP26-33	Brown Bear	8	Issue up to 4 permits to Kodiak	Adopt with Board modification	Board modification more aligned with original intent of proposal and in deference to Council
WP26-34	Brown Bear	8	Allow sale of handicrafts using any nonedible byproduct	Adopt as modified by OSM	In deference to the Council with clarification regarding gall bladder sale
WP26-35	Caribou	9D	Mirror State Proposal 7 to extend the fall season to Oct. 21	Adopt	Consensus Agenda
WP26-36	Wolverine	9	Mirror State Proposal 22 to shorten hunting season	Adopt	Consensus Agenda
WP26-37	Beaver	9, 17	Mirror State Proposals 21 and 37 to remove 2-day limit by firearm Apr. 15–May 31	Adopt as modified by OSM	Consensus Agenda
WP26-38	Brown bear	17	Increase harvest limit to two bears; eliminate State	Adopt	Consensus Agenda

			permit requirement		
WP26-39	Brown bear	17	Mirror State Proposal 32 to allow year-round take	Adopt	Consensus Agenda
WP26-40	Caribou	17	Close Nushagak caribou hunt, except by 7 communities	Reject	Consensus Agenda
WCR26-05	Moose	9C	9C, Naknek River Dec. closure to NFQUs	Retain Status Quo	In deference to the Council
WCR26-07	Caribou	17	Nushagak Peninsula - closed to NFQUs unless pop. > 900 caribou	Retain Status Quo	Consensus Agenda
WP26-41	Caribou	18	Eliminate take from boat moving under power	Withdrawn	FWS Board member requested withdrawal
WP26-42	Moose	18	Eliminate take from boat moving under power	Withdrawn	FWS Board member requested withdrawal
WP26-43	Moose	18	Establish fall may be announced antlerless hunt and delegate authority to manage hunt in Kuskokwim River hunt area	Adopt with modification to clarify the regulatory language	In deference to the Council
WP26-44	Moose	18	Extend winter season to close Mar. 31 in Kuskokwim River hunt area	Adopt with modification to clarify the regulatory language	In deference to the Council
WP26-45	Moose	18	Extend cow season to open July 16 in Lower Yukon hunt area	Adopt as modified by OSM to also allow the harvest of bulls from July 16–31	In deference to the Council
WP26-46	Ptarmigan	18	Increase harvest limit to	Adopt	Consensus Agenda

			25/day; 50 in possession		
WP26-47	Beaver	18	Eliminate destroying beaver house restriction under trapping regs	Adopt	In deference to the Council
WP26-48	Wolf	18	Increase hunting harvest limit to 15	Adopt	In deference to the Council
WP26-49	Coyote	18	Increase harvest limit to 4, extend hunting season to Aug. 15–May 31	Adopt	In deference to the Council
WP26-50	Controlled Use Area (CUA)	19D	Modify the Upper Kuskokwim CUA boundary	Adopt as modified by OSM	In deference to the Council
WP26-51	Muskox	21D, 24D	Establish hunts (1 bull by drawing permit; Feb. 1–Mar. 15)	Defer to the 2028 wildlife cycle	Wait until C&T proposal for muskoxen submitted to consider together
WP26-52	Brown Bear	22	Align with State regulations	Adopt	Consensus Agenda
WP26-53	Caribou	22B, 22D	Change season to may be announced year-round	Reject	Detrimental to the satisfaction of subsistence needs and should not prioritize private, commercial enterprises
WP26-54	Moose	22A	Rescind Closures	Adopt	ANILCA 805c criteria not supported by substantial evidence
WP26-55	Moose	22A	Remove Federal permit requirement; Extend fall season; establish winter hunt for Unit 22A Unalakleet	Adopt	Consensus Agenda
WP26-56	Moose	22A	Extend fall season, establish winter hunt for	Take No Action	Consensus Agenda

			Unit 22A Unalakleet		
WP26-57	Moose	22A	Require Federal registration permit for Units 22A North and 22A remainder	Reject	Consensus Agenda
WP26-58	Moose	22B	Remove Federal permit requirement and change harvest limit for winter season in Unit 22B West	Adopt	Consensus Agenda
WP26-59	Moose	22B	Shift fall season later to Sep. 6–20	Reject	Consensus Agenda
WP26-60	Moose	22D	Change winter hunt to 1 antlered bull by State permit; Dec. 1-Jan. 31 may be announced	Adopt	Consensus Agenda
WP26-61	Moose	22E	Require Federal registration permit	Adopt with modification to delegate authority via a delegation of authority letter only	In deference to the Council
WP26-62a	Muskox	22A	Recognize C&T of Unit 22A residents	Adopt as modified by OSM	Consensus Agenda
WP26-62b	Muskox	22A	Establish hunt (1 bull; Aug. 1–Mar. 15)	Adopt with modification to delegate authority via delegation of authority letter only	In deference to the Council
WP26-63	Muskox	22D	Combine hunt areas and Federal permits	Defer to 2028 wildlife regulatory cycle	Allow time for State regs to change and for a proposal to be submitted to change Federal 804 restrictions
WP26-64	Muskox	22, 23SW	Extend season to close March 31	Adopt with clarification to extend the season to March 30	In deference to the Council

WCR26-09a	Moose	22	Unit 22A North-closed to NFQUs, Sep. 21–Aug. 31	Rescind the closure	Consensus Agenda
WCR26-09b	Moose	22	Unit 22A Unalakleet drainage-closed except to federally qualified subsistence users (FQSUs)	Take No Action	Due to action taken for WP26-54
WCR26-09c	Moose	22	Unit 22A remainder-seasonal closure to NFQUs	Rescind the closure	Consensus Agenda
WCR26-11	Moose	22	Unit 22B, W. Darby Mtns-Fall-closed to NFQUs	Retain Status Quo	In deference to the Council
WCR26-12	Moose	22	Unit 22B, W. Darby Mtns - Winter- closed except by White Mtn. and Golovin	Retain Status Quo	In deference to the Council
WCR26-13	Moose	22	Unit 22D, Kougarok, Kusitrin, Pilgrim drainages-closed except by Unit 22C and 22D residents	Retain Status Quo	In deference to the Council
WCR26-14	Moose	22	Unit 22D, W. Tisuk and Canyon drainage-closed except by Unit 22C and 22D residents	Retain Status Quo	In deference to the Council
WCR26-15	Moose	22	Unit 22D, remainder closed to moose hunting by NFQUs	Retain Status Quo	In deference to the Council
WCR26-16	Moose	22	Unit 22E-closed to NFQUs	Retain Status Quo	Consensus Agenda

WP26-65	Muskox	23	Establish hunt in Unit 23 remainder	Reject	In deference to the Council
WP26-66	Wolf	23	Extend season to open Aug. 1 and increase harvest limit to 20	Adopt	Deference to Subsistence Resource Commissions and because Council recommendations did not specifically address their modification
WP26-67	Muskrat	23	Extend trapping season to year-round	Adopt	Consensus Agenda
WP26-68	Ptarmigan	23	Increase harvest limit and possession limit, and extend season to close June 15	Adopt	Consensus Agenda
WP26-69	Mink/ Weasel	23	Extend season to close Apr. 15	Adopt	In deference to the Council
WCR26-18	Sheep	23	Unit 23-Baird Mtns-closed to NFQUs	Retain Status Quo	In deference to the Council
WCR26-45	Caribou	23	Unit 23-Noatak-closed to NFQUs	Retain Status Quo	In deference to the Council
WP26-70	Black bear	20E, 25A, 25B	Allow sale of handicrafts using any nonedible part	Adopt	Consensus Agenda
WP26-71	Brown bear	12	Increase harvest limit to two bears	Adopt	Consensus Agenda
WP26-72a	Brown Bear	20E	Recognize C&T for Unit 20E residents	Adopt	In deference to the Council
WP26-72b	Brown bear	20E	Increase harvest limit to 2 bears	Adopt	Consensus Agenda
WP26-73	Brown bear	25B	Increase harvest limit to 2 bears	Reject	Consensus Agenda
WP26-74	Sheep	12	Add Chitina and Kenny Lake to C&T	Reject	Consensus Agenda
WP26-75	Moose	25D	Close to NFQUs in Unit 25D remainder	Adopt as modified by OSM	In deference to the Council

WP26-76	Sheep	20E, 25C	Extend closure to all users for 2 years	Adopt as modified by OSM and Council	In deference to the Council
WP26-77	Wood Bison	12, 20, 25	Recognize C&T	Defer until the February 2027 Fisheries meeting	In deference to the Council
WP26-78	Unit Boundaries	25C, 25D	Boundary change	Adopt	Consensus Agenda
WCR26-22	Moose	25	Unit 25D west-closed except by FQSUs	Retain Status Quo	Consensus Agenda
WCR26-25	Muskox	26	Unit 26C-closed except by Kaktovik residents	Retain Status Quo and clarify the regulatory language as recommended by OSM	Consensus Agenda
N/A	Black Bear	2	Restrict nonresident hunters	N/A	Invalid
FP25-02	Eulachon	District 1 Unuk River	Close Unuk River to harvest by non-federally qualified users	Adopt as modified by the Council	In deference to the Council
RFR25-01	N/A	Southeast	Reconsider Ketchikan rural determination	Does not meet threshold for further consideration	Claims do not meet regulatory criteria for further analysis

The final regulations in this document reflect Board review and consideration of Council recommendations, Tribal and Alaska Native corporation consultations, and public and ADF&G comments. Proposals and closure reviews in table 2 with a Board action of ''adopt,'' ''adopt with modification,'' ''rescind,'' or ''modify'' are reflected in the regulation promulgation section of this document as amendments to the Program regulations. Because this rule concerns public lands managed by a bureau or bureaus in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 43 CFR part 51.

This rule also makes administrative corrections to the regulations and corrects errors discovered since the last rulemaking (table 3).

Table 3—Corrections to the Federal Subsistence Management Program Regulations

CFR Location	Species or Issue	Location or Unit	Description
§ ___.26(n)(3) Table 3 to paragraph (n)(3)	Moose	Unit 3	Correct season start date from September 1 to September 15
§ ___.26(n)(11) Table 11 to paragraph (n)(11)	Moose	Unit 11	Corrected spelling of Nizina
§ ___.26(n)(23) Table 23 to paragraph (n)(23)	Muskrat trapping	Unit 23	Adjusted recent Board action by changing "No Closed Season" to "July 1 – June 30" to be consistent with open season formatting throughout regulation
§ ___.26(n)(24) Table 24 to paragraph (n)(24)	Sheep	Unit 24A and 24B (excluding Anaktuvuk Pass residents)	Deleted expired closure: "Federal public lands within Unit 24A are closed to the taking of sheep for the 2024–2025 and 2025–2026 regulatory years for all users"
§ ___.26(n)(24) Table 24 to paragraph (n)(24)	Sheep	Unit 24A except that portion within Gates of the Arctic National Park	Deleted expired closure: "Federal public lands are closed to the taking of sheep for the 2024–2025 and 2025–2026 regulatory years for all users"
§ ___.26(n)(26) Table 26 to paragraph (n)(26)	Sheep	Unit 26B, that portion within the Dalton Highway Corridor Management Area	Deleted expired closure: "Federal public lands in Unit 26B west of the Sagavanirktok River are closed to the taking of sheep for the 2024–2025 and 2025–2026 regulatory years for all users"
§ ___.26(n)(26) Table 26 to paragraph (n)(26)	Sheep	Unit 26A, remainder and 26B, remainder, including the Gates of the Arctic National Preserve	Deleted expired closure: "Federal public lands in Unit 26B west of the Sagavanirktok River are closed to the taking of sheep for the 2024–2025 and 2025–2026 regulatory years for all users"
§ ___.26(n)(26) Table 26 to paragraph (n)(26)	Musk ox	Unit 26C—1 musk ox by Federal registration permit only	Changed closure language by adding the word "Federal"

BILLING CODE 3411–15–C; 4334–13–C

One of the corrected errors resulted from the publication process of the final rule published on July 26, 2022 (87 FR 44846). That rule mistakenly identified the start of the moose hunting season in Unit 3 as September 1 instead of September 15. The September 15 start date was set in 1996 (61 FR 39698) and has not been changed by any subsequent action. There were no proposals to change season dates for moose in Unit 3 during the 2022 wildlife regulatory cycle leading to 87 FR 44846. The September 15 season start date was

originally adopted by the Board after notice and comment rulemaking pursuant to the Administrative Procedure Act. This rule replaces September 1 with September 15 in section ____.26(n)(3) to reflect the date set by the Board in 1996 that was erroneously changed to September 1 in 2022.

The remaining changes corrected a spelling error, removed closures no longer in effect, and made minor changes to Board adopted regulatory language that improve regulatory clarity. In the first change to language adopted by the Board, regarding Unit 23 muskrat hunting, the season description was changed from ''No Closed Season'' to ''July 1–June 30''. While there is functionally no difference between the two season descriptions, the change was made to be consistent with year-round season descriptions throughout regulation. In the second change to language adopted by the Board, concerning Unit 26C musk ox, the word ''Federal'' was added before the words ''public lands'' to be consistent with other federal subsistence regulations referring to such lands.

Compliance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), including publishing a proposed rule in the **Federal Register**, participation in multiple Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists to request reconsideration of the Board's decision on any proposal for regulatory change (36 CFR 242.20 and 43 CFR 51.20). Therefore, the Board believes that sufficient public notice and opportunity for involvement have been given to affected persons regarding Board decisions.

The administrative correction to the Unit 3 moose season start date was not identified as a proposed change in the proposed rule. We find that there is good cause to make this change without notice and comment under the Administrative Procedure Act at 5 U.S.C. 553(b)(B). First, we find that notice and comment is unnecessary because the change merely fixes an inadvertent error in the publication process and thus would not have benefitted from public input. In addition, it is impractical to make this correction with notice and comment because such notice and comment would delay making the correction until after September 1, 2026 and thus likely lead to continued confusion as to when hunting can begin.

The notice and comment process is also unnecessary for the remaining administrative changes not identified in the proposed rule, which include correcting a spelling error, removing closures no longer in effect, and making changes to Board-adopted language that improve regulatory clarity. In these cases, we find good cause that the notice and comment process is unnecessary because the changes are of a technical nature, are not substantial, and are unlikely to be of interest to the public.

In the more than 30 years that the Program has been operating, no benefit to the public has been demonstrated by delaying the effective date of the subsistence regulations. A lapse in regulatory control could affect the continued viability of fish or wildlife populations and future subsistence opportunities for rural Alaskans and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(d)(3) to make this rule effective upon the date set forth in **DATES** to ensure continued operation of the subsistence program.

National Environmental Policy Act

A draft environmental impact statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The final environmental impact statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

DOI conducted a Determination of NEPA Adequacy of the 1992 and 1997 documents and determined that there were no changes that warrant a new NEPA review in accordance with DOI NEPA Manual Section 3.1.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent 1997 environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the regulations will not reach the threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act of 1995 (PRA)

This rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*). OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 43 CFR part 51 and assigned OMB Control Number 1090–0014. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. This control number has an expiration date of 09/30/2028.

Regulatory Planning and Review—Executive Orders 12866 and 13563

This rule has been determined to be significant for purposes of Executive Order 12866 and has been submitted for review by the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to

reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed these proposed revisions and additions to the CFR in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that 2 million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, this amount would equate to about $6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Congressional Review Act

Under the Congressional Review Act, which was adopted as Subtitle E of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule as defined at 5 U.S.C. 804(2). It will not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and will 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.

Executive Order 12630

This rule will not effect a taking of private property or otherwise have takings implications under E.O. 12630. A takings implication assessment is not required. The scope of federal subsistence management is limited by definition to certain public lands and waters in Alaska.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. This rule will be implemented by Federal agencies with no cost imposed on any State or local entities or Tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of E.O. 12988, regarding civil justice reform.

Executive Order 13132

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule only affects use of federally administered lands and waters. It has no direct effects on other areas. A federalism summary impact statement is not required.

Executive Order 13175

Title VIII of ANILCA does not provide rights specific to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, proposed regulations may have Tribal implications, and the Board provided federally recognized Tribes and Alaska Native Corporations opportunities to consult on this rule. Consultations with Alaska Native Corporations are based on Public Law 108–199, div. H, Sec. 161, 118 Stat. 452 (Jan. 23, 2004), as amended by Public Law 108–447, div. H, title V, Sec. 518, 118 Stat. 3267 (Dec. 8, 2004), which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.'' In addition, the Department of the Interior manual acknowledges DOI's responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis at 512 DM 4, 5, 6, and 7.

The Secretaries, through the Board, provided a variety of opportunities for consultation: commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

On April 21, 2026, the Board provided federally recognized Tribes and Alaska Native Corporations a specific opportunity to consult on this rule prior to the start of its public regulatory meeting. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person and via teleconference.

Executive Order 13211

E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. However, this rule is not a significant regulatory action affecting energy supply, distribution, or use, and no statement of energy effects is required under E.O. 13211.

Executive Order 14153

E.O. 14153 directs all bureaus of the Department of the Interior to consider the Alaskan cultural significance of hunting and fishing and the statutory priority of subsistence management required by ANILCA, to conduct meaningful consultation with the State fish and wildlife management agencies prior to enacting regulations that affect the ability of Alaskans to hunt and fish on public lands, and to ensure to the greatest extent possible that hunting and fishing opportunities on Federal lands are consistent with similar opportunities on State lands.

The Board offered consultation with the State of Alaska on all matters addressed during this regulatory cycle. In addition, the State was afforded opportunities to provide input into the analyses of all the proposed changes to the regulations and to provide comments to the Councils and the Board on regulatory matters being considered. The Board considered all comments and information provided by the State in this process. The Board also reviewed applicable State regulations. We minimized deviations from State hunting and fishing opportunities to the extent possible while still meeting the ANICLA mandates for the Program.

Executive Order 14192

E.O. 14192 requires that, for each new regulation issued, at least 10 prior regulations be identified for elimination. The purpose is to ensure that the cost of planned regulations is responsibly managed and controlled through a rigorous regulatory budgeting process. DOI has determined this rule is not an E.O. 14192 regulatory action because this rulemaking is related to routine

hunting and fishing regulatory actions, as described in M–25–28, ''*Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation*'' .

Drafting Information

Justin Koller drafted this under the guidance of Director Crystal Leonetti of the Office of Subsistence Management, Department of the Interior, Office of the Assistant Secretary for Policy, Management, and Budget, Anchorage, Alaska. Additional assistance was provided by:

- Jonathan (Brent) Vickers, Alaska State Office, Bureau of Land Management;
- Eva Patton, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Jill Klein, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Gregory Risdahl, Subsistence Program Leader, Pacific Geographic Area, USDA–Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

43 CFR Part 51

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board amends title 36, part 242, and title 43, part 51, of the Code of Federal Regulations, as set forth below.

PART ____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR Part 242 and 43 CFR Part 51 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

■ 2. Amend § ____.24 by revising table 1 to paragraph (a)(1) to read as follows:

§ ____.24 Customary and traditional use determinations.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Area	Species	Determination
Unit 1	Black bear	Residents of Units 1–5.
Unit 1	Brown bear	Residents of Units 1–5.
Unit 1	Deer	Residents of Units 1–5.
Unit 1	Goat	Residents of Units 1–5.
Unit 1	Moose	Residents of Units 1–5.
Unit 2	Black bear	Residents of Units 1–5.
Unit 2	Deer	Residents of Units 1–5.
Unit 3	Black bear	Residents of Units 1–5.
Unit 3	Brown bear	Residents of Units 1–5.
Unit 3	Deer	Residents of Units 1–5.
Unit 3	Elk	Residents of Units 1–5.
Unit 3	Moose	Residents of Units 1–5.
Unit 4	Brown bear	Residents of Units 1–5.
Unit 4	Deer	Residents of Units 1–5.
Unit 4	Goat	Residents of Units 1–5.
Unit 5	Black bear	Residents of Units 1–5.
Unit 5	Brown bear	Residents of Units 1–5.
Unit 5	Deer	Residents of Units 1–5.
Unit 5	Goat	Residents of Units 1–5.
Unit 5	Moose	Residents of Unit 5A.
Unit 5	Wolf	Residents of Unit 5A.
Unit 6A	Black bear	Residents of Yakutat and Units 6C and 6D, excluding residents of Whittier.
Unit 6, remainder	Black bear	Residents of Units 6C and 6D, excluding residents of Whittier.
Unit 6	Brown bear	Residents of Cordova, Chenega Bay, and Tatitlek.
Unit 6A	Goat	Residents of Units 5A, 6C, Chenega Bay, and Tatitlek.
Unit 6C and Unit 6D	Goat	Residents of Units 6C and 6D.
Unit 6A	Moose	Residents of Units 5A, 6A, 6B, and 6C.
Unit 6B and Unit 6C	Moose	Residents of Units 6A, 6B, and 6C.
Unit 6D	Moose	Residents of Unit 6D.
Unit 6A	Wolf	Residents of Units 5A, 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 7	Brown bear	No Federal subsistence priority.
Unit 7	Caribou	Residents of Cooper Landing, Hope, and Moose Pass.
Unit 7, Brown Mountain hunt area	Goat	Residents of Port Graham and Nanwalek.
Unit 7, remainder	Goat	Residents of Chenega Bay, Cooper Landing, Hope, Moose Pass, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatilek.
Unit 7	Moose	Residents of Chenega Bay, Cooper Landing, Hope, Moose Pass, and Tatitlek.
Unit 7	Sheep	Residents of Cooper Landing and Moose Pass.
Unit 7	Ruffed grouse	No Federal subsistence priority.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 8	Brown bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, Port Lions, and the Kodiak Island road system east of the line from Crag Point south to the westernmost point of Saltery Cove, including Anton Larsen Bay but not including residents of Kodiak Station Census Designated Place.
Unit 8	Deer	Residents of Unit 8.
Unit 8	Elk	Residents of Unit 8.
Unit 8	Goat	No Federal subsistence priority.
Unit 9D	Bison	No Federal subsistence priority.
Unit 9A and Unit 9B	Black bear	Residents of Units 9A, 9B, 17A, 17B, and 17C.
Unit 9A	Brown bear	Residents of Pedro Bay.
Unit 9B	Brown bear	Residents of Unit 9B.
Unit 9C	Brown bear	Residents of Unit 9C, Igiugig, Kakhonak, and Levelock.
Unit 9D	Brown bear	Residents of Units 9D and 10 (Unimak Island).
Unit 9E	Brown bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
Unit 9A and Unit 9B	Caribou	Residents of Units 9B, 9C, and 17.
Unit 9C	Caribou	Residents of Units 9B, 9C, 17, and Egegik.
Unit 9D	Caribou	Residents of Unit 9D, Akutan, and False Pass.
Unit 9E	Caribou	Residents of Units 9B, 9C, 9E, 17, Nelson Lagoon, and Sand Point.
Unit 9A, Unit 9B, Unit 9C, and Unit 9E	Moose	Residents of Units 9A, 9B, 9C, and 9E.
Unit 9D	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
Unit 9D	Ptarmigan	Residents of Unit 9D.
Unit 9B	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and Lake Clark National Park and Preserve within Unit 9B.
Unit 9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 9A, Unit 9B, Unit 9C, and Unit 9E	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 10 Unimak Island	Brown bear	Residents of Units 9D and 10 (Unimak Island).
Unit 10 Unimak Island	Caribou	Residents of Akutan, Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
Unit 10, remainder	Caribou	No Federal subsistence priority.
Unit 10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 11	Bison	No Federal subsistence priority.
Unit 11, north of the Sanford River	Black bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
Unit 11, remainder	Black bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25–46), Slana, Tazlina, Tok Cutoff Road (mileposts 79–110), Tonsina, and Unit 11.
Unit 11, north of the Sanford River	Brown bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
Unit 11, remainder	Brown bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25–46), Slana, Tazlina, Tok Cutoff Road (mileposts 79–110), Tonsina, and Unit 11.
Unit 11, north of the Sanford River	Caribou	Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
Unit 11, remainder	Caribou	Residents of Units 11, 13A–D, and Chickaloon.
Unit 11	Goat	Residents of Unit 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake, Tok Cutoff Road (mileposts 79–110 Mentasta Pass), and Nabesna Road (mileposts 25–46).
Unit 11, north of the Sanford River	Moose	Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake.
Unit 11, remainder	Moose	Residents of Units 11, 13A–D, and Chickaloon.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 11, north of the Sanford River	Sheep	Residents of Unit 12, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Nabesna Road (mileposts 0–46), (Nabesna Road), and residents along the McCarthy Road—mileposts 0–62 (McCarthy Road).
Unit 11, remainder	Sheep	Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Tok Cutoff—mileposts 79–110 (Mentasta Pass), residents along the Nabesna Road—mileposts 0–46 (Nabesna Road), and residents along the McCarthy Road—mileposts 0–62 (McCarthy Road).
Unit 11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 11	Grouse (spruce, blue, ruffed, and sharp-tailed).	Residents of Units 11, 12, 13, and Chickaloon, 15, 16, 20D, 22, and 23.
Unit 11	Ptarmigan (rock, willow, and white-tailed).	Residents of Units 11, 12, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 12	Brown bear	Residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
Unit 12	Caribou	Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 12, that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake.	Moose	Residents of Units 12 and 13C, Dot Lake, and Healy Lake.
Unit 12, that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border.	Moose	Residents of Units 12 and 13C and Healy Lake.
Unit 12, remainder	Moose	Residents of Unit 11 north of 62nd parallel, Units 12 and 13A–D, Chickaloon, Dot Lake, and Healy Lake.
Unit 12	Sheep	Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, Mentasta Lake, and Slana.
Unit 12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 13	Brown bear	Residents of Unit 13 and Slana.
Unit 13B	Caribou	Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79–110), 13, 20D (excluding residents of Fort Greely), and Chickaloon.
Unit 13C	Caribou	Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79–110), 13, Chickaloon, Dot Lake, and Healy Lake.
Unit 13A and Unit 13D	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and Chickaloon.
Unit 13E	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239 (excluding residents of Denali National Park headquarters).
Unit 13D	Goat	No Federal subsistence priority.
Unit 13A and Unit 13D	Moose	Residents of Unit 13, Chickaloon, and Slana.
Unit 13B	Moose	Residents of Units 13 and 20D (excluding residents of Fort Greely) and Chickaloon and Slana.
Unit 13C	Moose	Residents of Units 12 and 13, Chickaloon, Healy Lake, Dot Lake, and Slana.
Unit 13E	Moose	Residents of Unit 13, Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between mileposts 216 and 239 (excluding residents of Denali National Park headquarters).
Unit 13D	Sheep	No Federal subsistence priority.
Unit 13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 13	Grouse (spruce, blue, ruffed, and sharp-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 13	Ptarmigan (rock, willow, and white-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 14C	Brown bear	No Federal subsistence priority.
Unit 14	Goat	No Federal subsistence priority.
Unit 14	Moose	No Federal subsistence priority.
Unit 14A and Unit 14C	Sheep	No Federal subsistence priority.
Unit 15A and Unit 15B	Black bear	Residents of Ninilchik.
Unit 15C	Black bear	Residents of Ninilchik, Port Graham, and Nanwalek.
Unit 15	Brown bear	Residents of Ninilchik.
Unit 15B	Caribou	Residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Moose Pass, Port Graham, and Seldovia.
Unit 15C	Caribou	Residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia.
Unit 15A and Unit 15B	Goat	Residents of Cooper Landing, Hope, Moose Pass, Nanwalek, Ninilchik, Port Graham, and Seldovia.
Unit 15C	Goat	Residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia.
Unit 15A and Unit 15B	Moose	Residents of Cooper Landing, Ninilchik, Moose Pass, Nanwalek, Port Graham, and Seldovia.
Unit 15C	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
Unit 15A and Unit 15B	Sheep	Residents of Cooper Landing and Ninilchik.
Unit 15C	Sheep	Residents of Ninilchik.
Unit 15	Ptarmigan (rock, willow, and white-tailed).	Residents of Unit 15.
Unit 15	Grouse (spruce)	Residents of Unit 15.
Unit 15	Grouse (ruffed)	No Federal subsistence priority.
Unit 16B	Black bear	Residents of Unit 16B.
Unit 16	Brown bear	No Federal subsistence priority.
Unit 16A	Moose	No Federal subsistence priority.
Unit 16B	Moose	Residents of Unit 16B.
Unit 16	Sheep	No Federal subsistence priority.
Unit 16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 16	Grouse (spruce and ruffed)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 16	Ptarmigan (rock, willow, and white-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 17	Beaver	Residents of Units 9A, 9B, 9C, 9E, and 17.
Unit 17A and that portion of 17B draining into Nuyakuk Lake and Tikchik Lake.	Black bear	Residents of Units 9A and B, 17, Akiak, and Akiachak.
Unit 17, remainder	Black bear	Residents of Units 9A and B, and 17.
Unit 17A, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast towards the northern point of Nuyakuk Lake to the Unit 17A boundary.	Brown bear	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, Kwethluk, and Platinum.
Unit 17B, beginning at the Unit 17B boundary, those portions north and west of a line running from the southern point of upper Togiak Lake, northeast to the northern point of Nuyakuk Lake, and northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown bear	Residents of Unit 17 and Kwethluk.
Unit 17A, remainder	Brown bear	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, and Platinum.
Unit 17B, that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown bear	Residents of Unit 17, Akiak, and Akiachak.
Unit 17B, remainder, and Unit 17C	Brown bear	Residents of Unit 17.
Unit 17A, that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Units 9B, 17, Eek, Goodnews Bay, Lime Village, Napakiak, Platinum, Quinhagak, Stony River, and Tuntutuliak.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Units 9B, 17, Akiak, Akiachak, Lime Village, Stony River, and Tuluksak.
Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Units 9B, 17, Kwethluk, Lime Village, and Stony River.
Unit 17B, that portion of Togiak National Wildlife Refuge within Unit 17B.	Caribou	Residents of Units 9B, 17, Akiachak, Akiak, Bethel, Eek, Goodnews Bay, Lime Village, Napakiak, Platinum, Quinhagak, Stony River, Tuluksak, and Tuntutuliak.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 17, remainder	Caribou	Residents of Units 9B, 9C, 9E, 17, Lime Village, and Stony River.
Unit 17A, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and to the Unit 17A boundary to the northeast towards the northern point of Nuyakuk Lake and northeast towards the northern point of Nuyakuk Lake to the Unit 17A boundary.	Moose	Residents of Unit 17, Goodnews Bay, Kwethluk, and Platinum.
Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, and Platinum.
Unit 17A, remainder	Moose	Residents of Unit 17, Goodnews Bay, and Platinum.
Units 17B, beginning at the Unit 17B boundary, those portions north and west of a line running from the southern point of upper Togiak Lake, northeast to the northern point of Nuyakuk Lake, and northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Moose	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, Levelock, Nondalton, and Platinum.
Unit 17B, that portion within the Togiak National Wildlife Refuge.	Moose	Residents of Unit 17, Akiak, Akiachak, Goodnews Bay, Levelock, Nondalton, and Platinum.
Unit 17B, remainder and Unit 17C	Moose	Residents of Unit 17, Nondalton, Levelock, Goodnews Bay, and Platinum.
Unit 17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 18	Black bear	Residents of Unit 18, Unit 19A living downstream of the Holokuk River, Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
Unit 18	Brown bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mountain Village, Napaskiak, Platinum, Quinhagak, St. Marys, and Tuluksak.
Unit 18	Caribou	Residents of Unit 18, Lower Kalskag, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag.
Unit 18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including, the Tuluksak River drainage.	Moose	Residents of Unit 18, Upper Kalskag, Lower Kalskag, Aniak, and Chuathbaluk.
Unit 18, that portion north of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall.	Moose	Residents of Unit 18, Lower Kalskag, St. Michael, Stebbins, and Upper Kalskag.
Unit 18, remainder	Moose	Residents of Unit 18, Lower Kalskag, and Upper Kalskag.
Unit 18, Nelson Island and Nunivak Island	Musk ox	No Federal subsistence priority.
Unit 18, remainder	Musk ox	Rural residents of Unit 18.
Unit 18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 19C and Unit 19D	Bison	No Federal subsistence priority.
Unit 19A, Unit 19B, and Unit 19E	Brown bear	Residents of Units 18 and 19 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
Unit 19C	Brown bear	No Federal subsistence priority.
Unit 19D	Brown bear	Residents of Units 19A, 19D, and 19E Tuluksak, and Lower Kalskag.
Unit 19A, Unit 19B, and Unit 19E	Caribou	Residents of Units 19A, 19B, and 19E, and Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, and Russian Mission.
Unit 19C	Caribou	Residents of Unit 19C, Lime Village, McGrath, Nikolai, and Telida.
Unit 19D	Caribou	Residents of Unit 19D, Lime Village, Sleetmute, and Stony River.
Unit 19A, Unit 19B, Unit 19E	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and residents of Unit 19.
Unit 19B, west of the Kogrukluk River	Moose	Residents of Eek and Quinhagak.
Unit 19C	Moose	Residents of Unit 19.
Unit 19D	Moose	Residents of Unit 19 and Lake Minchumina.
Unit 19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 20D	Bison	No Federal subsistence priority.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 20F	Black bear	Residents of Unit 20F, Stevens Village, and Manley Hot Springs.
Unit 20E	Brown bear	Residents of Unit 12, 20E, and Dot Lake.
Unit 20F	Brown bear	Residents of Unit 20F, Stevens Village, and Manley Hot Springs.
Unit 20A	Caribou	Residents of Cantwell, Nenana, and those domiciled between mileposts 216 and 239 of the Parks Highway, excluding residents of households of the Denali National Park Headquarters.
Unit 20B	Caribou	Residents of Unit 20B, Nenana, and Tanana.
Unit 20C	Caribou	Residents of Unit 20C living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida, and those domiciled between mileposts 216 and 239 of the Parks Highway and between mileposts 300 and 309, excluding residents of households of the Denali National Park Headquarters.
Unit 20D and Unit 20E	Caribou	Residents of Units 20D, 20E, 20F, 25, 12 (north of the Wrangell-St. Elias National Park and Preserve), Eureka, Livengood, Manley, and Minto.
Unit 20F	Caribou	Residents of Units 20F and 25D and Manley Hot Springs.
Unit 20A	Moose	Residents of Cantwell, Minto, Nenana, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239, excluding residents of households of the Denali National Park Headquarters.
Unit 20B, Minto Flats Management Area	Moose	Residents of Minto and Nenana.
Unit 20B, remainder	Moose	Residents of Unit 20B, Nenana, and Tanana.
Unit 20C	Moose	Residents of Unit 20C (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), Cantwell, Manley Hot Springs, Minto, Nenana, those domiciled between mileposts 300 and 309 of the Parks Highway, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239, excluding residents of households of the Denali National Park Headquarters.
Unit 20D	Moose	Residents of Unit 20D and Tanacross.
Unit 20E	Moose	Residents of Unit 20E, Unit 12 north of the Wrangell-St. Elias National Preserve, Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.
Unit 20F	Moose	Residents of Unit 20F, Manley Hot Springs, Minto, and Stevens Village.
Unit 20E	Sheep	Residents of Units 20E, 25B, 25C, 25D, and Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, and Tok.
Unit 20F	Wolf	Residents of Unit 20F, Stevens Village, and Manley Hot Springs.
Unit 20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 20D	Grouse, (spruce, ruffed, and sharp-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 20D	Ptarmigan (rock and willow)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 21	Brown bear	Residents of Units 21 and 23.
Unit 21A	Caribou	Residents of Units 21A, 21D, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
Unit 21B and Unit 21C	Caribou	Residents of Units 21B, 21C, 21D, and Tanana.
Unit 21D	Caribou	Residents of Units 21B, 21C, 21D, and Huslia.
Unit 21E	Caribou	Residents of Units 21A, 21E, Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
Unit 21A	Moose	Residents of Units 21A, 21E, Takotna, McGrath, Aniak, and Crooked Creek.
Unit 21B and Unit 21C	Moose	Residents of Units 21B, 21C, Tanana, Ruby, and Galena.
Unit 21D	Moose	Residents of Units 21D, Huslia, and Ruby.
Unit 21E, south of a line beginning at the western boundary of Unit 21E near the mouth of Paimiut Slough, extending easterly along the south bank of Paimiut Slough to Upper High Bank, and southeasterly in the direction of Molybdenum Mountain to the juncture of Units 19A, 21A, and 21E.	Moose	Residents of Unit 21E, Aniak, Chuathbaluk, Kalskag, Lower Kalskag, and Russian Mission.
Unit 21E remainder	Moose	Residents of Unit 21E and Russian Mission.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 22A	Black bear	Residents of Unit 22A and Koyuk.
Unit 22B	Black bear	Residents of Unit 22B.
Unit 22C, Unit 22D, and Unit 22E	Black bear	No Federal subsistence priority.
Unit 22	Brown bear	Residents of Unit 22.
Unit 22A	Caribou	Residents of Units 21D west of the Koyukuk and Yukon Rivers, 22 (except residents of St. Lawrence Island), 23, 24, Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
Unit 22, remainder	Caribou	Residents of Units 21D west of the Koyukuk and Yukon Rivers, 22 (excluding residents of St. Lawrence Island), 23, and 24.
Unit 22	Moose	Residents of Unit 22.
Unit 22A	Musk ox	Residents of Unit 22A.
Unit 22B, west of the Darby Mountains	Musk ox	Residents of Units 22B and 22C.
Unit 22B, remainder	Musk ox	Residents of Unit 22B.
Unit 22C	Musk ox	Residents of Unit 22C.
Unit 22D	Musk ox	Residents of Units 22B, 22C, 22D, and 22E (excluding St. Lawrence Island).
Unit 22E	Musk ox	Residents of Unit 22E (excluding Little Diomede Island).
Unit 22	Wolf	Residents of Units 23, 22, 21D north and west of the Yukon River, and Kotlik.
Unit 22	Grouse (spruce)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 22	Ptarmigan (rock and willow)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 23	Black bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
Unit 23	Brown bear	Residents of Units 21 and 23.
Unit 23	Caribou	Residents of Units 21D west of the Koyukuk and Yukon Rivers, Galena, 22, 23, 24, including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26A.
Unit 23	Moose	Residents of Unit 23.
Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Musk ox	Residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage.
Unit 23, remainder	Musk ox	Residents of Unit 23 east and north of the Buckland River drainage.
Unit 23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
Unit 23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 23	Grouse (spruce and ruffed)	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 23	Ptarmigan (rock, willow, and white-tailed).	Residents of Units 11, 13, Chickaloon, 15, 16, 20D, 22, and 23.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black bear	Residents of Stevens Village, Unit 24, and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
Unit 24, remainder	Black bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown bear	Residents of Stevens Village and Unit 24.
Unit 24, remainder	Brown bear	Residents of Unit 24.
Unit 24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
Unit 24	Moose	Residents of Unit 24, Koyukuk, and Galena.
Unit 24	Sheep	Residents of Unit 24 residing north of the Arctic Circle, Allakaket, Alatna, Hughes, and Huslia.
Unit 24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 25D	Black bear	Residents of Unit 25D.
Unit 25D	Brown bear	Residents of Unit 25D.
Unit 25, remainder	Brown bear	Residents of Unit 25 and Eagle.

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Area	Species	Determination
Unit 25A	Caribou	Residents of Units 24A and 25.
Unit 25B and Unit 25C	Caribou	Residents of Units 12 (north of Wrangell-St. Elias National Preserve), 20D, 20E, 20F, and 25, and Eureka, Livengood, Manley, and Minto.
Unit 25D	Caribou	Residents of Units 20F and 25D and Manley Hot Springs.
Unit 25A	Moose	Residents of Units 25A and 25D.
Unit 25B and Unit 25C	Moose	Residents of Units 20D, 20E, 25B, 25C, 25D, Tok and Livengood.
Unit 25D, west	Moose	Residents of Unit 25D West and Birch Creek.
Unit 25D, remainder	Moose	Residents of remainder of Unit 25.
Unit 25A	Sheep	Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.
Unit 25B and Unit 25C	Sheep	Residents of Units 20E, 25B, 25C, and 25D.
Unit 25D	Wolf	Residents of Unit 25D.
Unit 25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.
Unit 26	Brown bear	Residents of Unit 26 (excluding the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope.
Unit 26A and C	Caribou	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
Unit 26B	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Unit 24 within the Dalton Highway Corridor Management Area.
Unit 26	Moose	Residents of Unit 26 (excluding the Prudhoe Bay-Deadhorse Industrial Complex), Point Hope, and Anaktuvuk Pass.
Unit 26A	Musk ox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
Unit 26B	Musk ox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
Unit 26C	Musk ox	Residents of Kaktovik.
Unit 26A	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
Unit 26B	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
Unit 26C	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkyitsik, Fort Yukon, Point Hope, and Venetie.
Unit 26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13, Chickaloon, and 16–26.

Subpart D—Subsistence Taking of Fish and Wildlife

■ 3. Amend § ____.25 by revising paragraphs (j)(6)(i), (j)(7) introductory text, and (j)(7)(i) and adding paragraph (j)(14) to read as follows:

§ ____.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

* * * * *

(j) * * *

(6) * * *

(i) In Units 1, 2, 3, 4, 5, 20E, 25A, and 25B you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a black bear taken from Units 1, 2, 3, 5, 20E, 25A, or 25B.

* * * * *

(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 8, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.

(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5. In Unit 8, you may sell handicrafts made from any nonedible byproducts of brown bear taken from Unit 8, except gallbladders.

* * * * *

(14) You may request a Customary Trade Permit to sell the hide with or without claws attached of a brown bear legally harvested under Federal subsistence regulations providing the hide is purchased within the United States for personal use and not to be resold. These customary trade sales must be immediately recorded on a Customary Trade Permit and must be returned within the time frame specified on the permit. The hide must be sealed, the seal must remain on the hide, and the seal number must be included in any advertisement of sale.

* * * * *

■ 4. Amend § ____.26 by:

■ a. Revising paragraphs (d)(2) and (3);

■ b. Revising table 2 to paragraph (n)(2);

■ c. Revising table 3 to paragraph (n)(3);

■ d. Revising table 5 to paragraph (n)(5);

■ e. Revising table 6 to paragraph (n)(6);

■ f. Revising paragraph (n)(7);

■ g. Revising table 8 to paragraph (n)(8);

■ h. Revising paragraph (n)(9);

■ i. Revising table 11 to paragraph (n)(11);

■ j. Revising table 12 to paragraph (n)(12);

■ k. Revising table 13 to paragraph (n)(13);

■ l. Revising paragraph (n)(17);

■ m. Revising table 18 to paragraph (n)(18);

■ n. Revising paragraph (n)(19);

■ o. Revising table 20 to paragraph (n)(20);

■ p. Revising table 22 to paragraph (n)(22);

■ q. Revising table 23 to paragraph (n)(23);

■ r. Revising table 24 to paragraph (n)(24);

■ s. Revising paragraph (n)(25); and

■ t. Revising table 26 to paragraph (n)(26).

The revisions read as follows:

§ ____.26 Subsistence taking of wildlife.

* * * * *

(d) * * *

(2) Disturbing or destroying any beaver house, except that you may disturb or destroy a beaver house in Unit 18;

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this paragraph (d)(3) does not apply to brown bears taken within Units 5, 9B, 9E, 17, 18, 19A, and 19B downstream of and including the Aniak River drainage, and Units 21D, 22, 23, 24, and 26A and which are not removed from the Unit;

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear that does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in Units 9B, 17, 18, and 19A and 19B downstream of and including the Aniak River drainage is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath.

(iii) If you remove the skin or skull of a bear taken in Units 21D, 22, 23, 24, and 26A from the area or present it for commercial tanning within the area, you must first have it sealed by an ADF&G representative in Barrow, Galena, Nome, or Kotzebue.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat.

(v) If you remove the skin or skull of a bear taken in Unit 9E from Unit 9, you must first have it sealed by an authorized sealing representative.

* * * * *

(n) * * *

(2) * * *

TABLE 2 TO PARAGRAPH (n)(2)

Harvest limits	Open season
Hunting	
Bear, black: 2 bears, no more than 1 may be a blue or glacier bear	Sep. 1–June 30.
Deer:	
Residents of Unit 2—5 deer; however, no more than 1 may be a female deer. Female deer may be taken only during the period Oct. 15–Jan. 31. Harvest ticket number 5 must be used when recording the harvest of a female deer but may be used for recording the harvest of a male deer. Harvest tickets must be used in order except when recording a female deer on tag number 5.	July 24–Jan. 31.
Residents of Units 1A (excluding Ketchikan), 1B, and 3–4 bucks	July 24–Dec. 31
Residents of Units 1C, 1D, 4, 5, and Ketchikan—2 bucks	Aug. 1–Dec. 31
Federal public lands in Unit 2 are closed to deer hunting from Jul. 24–Aug. 15, except by federally qualified subsistence users hunting under this part.	
Non-federally qualified users may only harvest 1 male deer on Federal public lands in Unit 2.	
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Elk: 1 elk by Federal registration permit	July 1–June 30.
Successful hunters must send a photo of their elk antlers to ADF&G and a 5-inch section of the lower jaw with front teeth.	
Fox, red (including cross, black, and silver phases): 2 foxes	Nov. 1–Feb. 15.
Hare, snowshoe: 5 hares per day	Sep. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: No limit. All wolves taken will be sequentially numbered, marked with the date and location recorded by the hunter for each wolf, and all hides must be sealed within 15 days of take.	Sep. 1–Mar. 31.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (spruce and ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, red (including cross, black, and silver phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit. All wolves taken will be sequentially numbered, marked with the date and location recorded by the trapper for each wolf, and all hides must be sealed within 15 days of take.	Nov. 15–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 1.

(3) * * *

TABLE 3 TO PARAGRAPH (n)(3)

Harvest limits	Open season
Hunting	
Bear, black: 2 bears, no more than 1 may be a blue or glacier bear	Sep. 1–June 30.

TABLE 3 TO PARAGRAPH (n)(3)—Continued

Harvest limits	Open season
Deer:	
Unit 3, Mitkof, Woewodski, and Butterworth Islands and that portion of Kupreanof Island on the Lindenberg Peninsula east of the Portage Bay-Duncan Canal Portage—1 buck.	Oct. 1–Nov. 7.
Unit 3, remainder—2 bucks	Aug. 1–Nov. 30. Dec. 1–31, season to be announced.
Elk:	
Unit 3, Etolin Island Area, Zarembo, Bushy, Shrubby, and Kashevarof Islands	No open season.
Unit 3 remainder—1 elk by Federal registration permit	July 1–June 30.
Successful hunters must send a photo of their elk antlers to ADF&G and a 5-inch section of the lower jaw with front teeth.	
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, or antlers with 2 brow tines on both sides by State registration permit only.	Sep. 15–Oct. 15.
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Fox, red (including cross, black, and silver phases): 2 foxes	Nov. 1–Feb. 15.
Hare, snowshoe: 5 hares per day	Sep. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–May 31.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (spruce, blue, and ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver:	
Unit 3, Mitkof Island—No limit	Nov. 10–May 15.
Unit 3, except Mitkof Island—No limit	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, red (including cross, black, and silver phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten:	
No limit (except on Kuiu Island)	Dec. 1–Feb. 15.
Kuiu Island portion of Unit 3. No limit	Dec. 1–31.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

* * * * * (5) * * *

TABLE 5 TO PARAGRAPH (n)(5)

Harvest limits	Open season
Hunting	
Bear, black: 2 bears, no more than 1 may be a blue or glacier bear	Sep. 1–June 30.
Bear, brown: 1 bear by Federal registration permit only	Sep. 1–May 31.
Deer:	
Unit 5A—1 buck	Nov. 1–30.
Unit 5B	No open season.
Goat:	
Unit 5A—that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord.	No open season.
Unit 5A, remainder—1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Unit 5B—1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5A, Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5A, except Nunatak Bench, west of the Dangerous River—1 bull by joint State/Federal registration permit only. From Oct. 8–21, Federal public lands are closed to the taking of moose, except by federally qualified subsistence users hunting under this part.	Oct. 8–Nov. 15.
Unit 5A, except Nunatak Bench, east of the Dangerous River—1 bull by joint State/Federal registration permit only.	Sep. 16–Nov. 15.
Unit 5B—1 bull by State registration permit only. The season will be closed when 25 bulls have been taken from the entirety of Unit 5B.	Sep. 1–Dec. 15.
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Fox, red (including cross, black and silver phases): 2 foxes	Nov. 1–Feb. 15.

TABLE 5 TO PARAGRAPH (n)(5)—Continued

Harvest limits	Open season
Hare, snowshoe: 5 hares per day	Sep. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (spruce and ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Nov. 10–Feb. 15.
Fox, red (including cross, black and silver phases): No limit	Nov. 10–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Mar. 1.

(6) * * *

TABLE 6 TO PARAGRAPH (n)(6)

Harvest limits	Open season
Hunting	
Bear, black: 1 bear. In Unit 6D, a State registration permit is required	Sep. 1–June 30.
Bear, brown:	
Units 6A, 6B, 6C—1 bear by Federal registration permit only	Aug. 1–June 30
Unit 6D—1 bear by Federal permit only	Aug. 1–June 30
Deer:	
5 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31. Only 1 of the 5-deer harvest limit may be taken between Jan. 1–31.	Aug. 1–Jan. 31.
Goat:	
Unit 6A and B—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6C	No open season.
Unit 6D (subareas RG242, RG243, RG244, RG245, RG249, RG266, and RG252 only)—1 goat by Federal registration permit only. In each of the Unit 6D subareas, goat seasons will be closed by the Cordova District Ranger when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244 and RG245 combined—2 goats, RG249—4 goats, RG266—4 goats, RG252—1 goat.	Aug. 20–Feb. 28.
Moose:	
Unit 6C—1 antlerless moose by Federal drawing permit only	Sep. 1–Oct. 31.
Permits for the portion of the antlerless moose quota not harvested in the Sep. 1–Oct. 31 hunt may be available for redistribution for a Nov. 1–Dec. 31 hunt.	
Unit 6C—1 bull by Federal drawing permit only	Sep. 1–Dec. 31.
In Unit 6C, only one moose permit may be issued per household. A household receiving a State permit for Unit 6C moose may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits.	
Unit 6, remainder	No open season.
Beaver: 1 beaver per day, 3 in possession	July 1–June 30.
Coyote:	
Unit 6A and D—2 coyotes	Sep. 1–Apr. 30.
Unit 6B and 6C—No limit	July 1–June 30.
Fox, red (including cross, black, and silver phases):	No open season.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Dec. 1–Apr. 30.
Coyote:	
Unit 6C, south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.

TABLE 6 TO PARAGRAPH (n)(6)—Continued

Harvest limits	Open season
Units 6A, 6B, 6C, remainder, and 6D—No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(7) *Unit 7.* (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W long., and all Kenai Peninsula drainages east of 150° W long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park.

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(C) You may not hunt, trap, or take wildlife within a quarter mile of wildlife crossing structures along the Sterling Highway.

(D) Those portions within 50 yards of the Quartz Creek, Crescent Creek, and Russian River campgrounds are closed to trapping; however, trapping is allowed within 50 yards of the campgrounds if the traps are elevated 3 feet above hard ground, enclosed, under water, or under ice.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15, except in the drainages of Resurrection Creek and its tributaries.

(B) [Reserved]

TABLE 7 TO PARAGRAPH (n)(7)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Caribou:	
Unit 7, north of the Sterling Highway and west of the Seward Highway—1 caribou by Federal registration permit only. The Seward District Ranger will close the Federal season when 5 caribou are harvested by Federal registration permit.	Aug. 10–Dec. 31.
Unit 7, remainder	No open season.
Goat: 1 goat by Federal drawing permit. Nannies accompanied by kids may not be taken	Aug. 10–Nov 14.
Moose:	
Unit 7, that portion draining into Kings Bay—Federal public lands are closed to the taking of moose except by residents of Chenega Bay and Tatitlek.	No open season.
Unit 7, remainder—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 20–Sep. 25. Oct. 20–Nov. 10.
Sheep: 1 ram with full curl horn or larger by Federal drawing permit	Aug. 10–Sep. 20.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 10.
Coyote: No limit	Sep. 1–Apr. 30.
Fox, red (including cross, black, and silver phases):	No open season.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Jan. 31.
Wolf:	
Unit 7, that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7, remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce): 10 per day, 20 in possession	Aug. 10–Mar. 31.
Grouse (ruffed):	No open season.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 20 beavers per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.

TABLE 7 TO PARAGRAPH (n)(7)—Continued

Harvest limits	Open season
Wolverine: No limit	Nov. 10–Feb. 28.

(8) * * *

TABLE 8 TO PARAGRAPH (n)(8)

Harvest limits	Open season
Hunting	
Bear, brown: 1 bear by Federal registration permit only. Up to 2 permits may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 3 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; up to 2 permits may be issued in Port Lions; and up to 4 permits may be issued to the residents of the Kodiak Island road system east of the line from Crag Point south to the westernmost point of Saltery Cove, including Anton Larsen Bay. Permits will be issued by the Refuge Manager, Kodiak National Wildlife Refuge.	Dec. 1–Dec. 15. Apr. 1–May 15.
Deer:	
Unit 8, all lands within the Kodiak Archipelago within the Kodiak National Wildlife Refuge, including lands on Kodiak, Ban, Uganik, and Afognak Islands—4 deer; however, antlerless deer may be taken only Oct. 1–Jan. 31.	Aug. 1–Jan. 31.
Unit 8, remainder	No open season.
Elk:	
Unit 8, all lands within the Kodiak Archipelago within the Kodiak National Wildlife Refuge, including lands on Kodiak, Ban, Uganik, and Afognak Islands—1 elk per household by Federal registration permit only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge, when the combined Federal/State harvest reaches 15% of the herd.	Sep. 15–Nov. 30.
Unit 8, remainder	No open season.
Fox, red (including cross, black, and silver phases): 2 foxes	Sep. 1–Feb. 15.
Hare, snowshoe: No limit	July 1–June 30.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 30 beavers per season	Nov. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31.

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands, including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9A consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve.

(B) Unit 9B consists of the Kvichak River drainage except those lands drained by the Kvichak River/Bay between the Alagnak River drainage and the Naknek River drainage.

(C) Unit 9C consists of the Alagnak (Branch) River drainage, the Naknek River drainage, lands drained by the Kvichak River/Bay between the Alagnak River drainage and the Naknek River drainage, and all land and water within Katmai National Park and Preserve.

(D) Unit 9D consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay, including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands.

(E) Unit 9E consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park; and

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1 through Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9C within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 9 throughout the season and consistent with established harvest limits.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in Unit 9B, except that portion within the Lake Clark National Park and Preserve, if you have obtained a State registration permit prior to hunting.

(C) In Unit 9B, Lake Clark National Park and Preserve, residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and that portion of the park resident zone in Unit 9B and 13.440 permit holders may hunt brown bear by Federal registration permit in lieu of a resident tag. The season will be closed when 4 females or 10 bears have been taken, whichever occurs first. The

permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve.

(D) Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9B for ceremonial purposes, under the terms of a Federal registration permit from July 1 through June 30. Permits will be issued to individuals only at the request of a local organization. This 10-moose limit is not cumulative with that permitted for potlatches by the State.

(E) For Units 9C and 9E only, a federally qualified subsistence user (recipient) of Units 9C and 9E may designate another federally qualified subsistence user of Units 9C and 9E to take bull caribou on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time.

(F) For Unit 9D, a federally qualified subsistence user (recipient) may designate another federally qualified subsistence user to take caribou on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(G) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1–December 31 or May 10–May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9D or Unit 10 (Unimak Island) only.

(H) You may hunt brown bear in Unit 9E with a Federal registration permit in lieu of a State locking tag if you have obtained a Federal registration permit prior to hunting.

(I) In Units 9B and 9C, a snowmachine may be used to approach and pursue a wolf or wolverine provided the snowmachine does not contact a live animal.

TABLE 9 TO PARAGRAPH (n)(9)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown:	
Unit 9B, Lake Clark National Park and Preserve—Rural residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, residents of that portion of the park resident zone in Unit 9B; and 13.440 permit holders—1 bear by Federal registration permit only.	July 1–June 30.
The season will be closed by the Lake Clark National Park and Preserve Superintendent when 4 females or 10 bears have been taken, whichever occurs first.	
Unit 9B, remainder—1 bear by State registration permit only	Sep. 1–May 31.
Unit 9C—1 bear by Federal registration permit only	Oct. 1–May 31.
The season will be closed by the Katmai National Park and Preserve Superintendent in consultation with BLM and FWS land managers and ADF&G, when 6 females or 10 bears have been taken, whichever occurs first.	
Unit 9E—1 bear by Federal registration permit	Sep. 25–Dec. 31. Apr. 15–May 25.
Caribou:	
Unit 9A—up to 2 caribou by State registration permit	Season may be announced between Aug. 1–Mar. 15.
Unit 9B—up to 2 caribou by State registration permit	Season may be announced between Aug. 1–Mar. 31.
Unit 9C, that portion within the Alagnak River drainage excluding Katmai National Preserve—up to 2 caribou by State registration permit.	Season may be announced between Aug. 1–Mar. 15.
Unit 9C, that portion within Katmai National Preserve—1 caribou by Federal registration permit. Federal public lands are closed to the taking of caribou except by residents of Igiugig and Kokhanok hunting under these regulations.	Season may be announced between Aug. 1–Sep. 30 or Nov. 1–Mar. 31.
Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek—up to 2 caribou by State registration permit.	Season may be announced between Aug. 1–Mar. 15.
Unit 9C, remainder—1 bull by Federal registration permit or State permit. Federal public lands are closed to the taking of caribou except by residents of Unit 9C and Egegik.	May be announced.
Unit 9D—1–4 caribou by Federal registration permit only	Aug. 1–Oct. 21. Nov. 15–Mar. 31.
Unit 9E—1 bull by Federal registration permit or State permit. Federal public lands are closed to the taking of caribou except by residents of Unit 9C, Unit 9E, Nelson Lagoon, and Sand Point.	May be announced.
Sheep:	
Unit 9B, that portion within Lake Clark National Park and Preserve—1 ram with ¾ curl or larger horn by Federal registration permit only. By announcement of the Lake Clark National Park and Preserve Superintendent, the summer/fall season will be closed when up to 5 sheep are taken and the winter season will be closed when up to 2 sheep are taken.	July 15–Oct. 15. Jan. 1–Apr. 1.
Unit 9B, remainder—1 ram with ⅞ curl or larger horn by Federal registration permit only	Aug. 10–Oct. 10.
Unit 9, remainder—1 ram with ⅞ curl or larger horn	Aug. 10–Sep. 20.
Moose:	
Unit 9A—1 bull by State registration permit	Sep. 1–15.
Unit 9B—1 bull by State registration permit	Aug. 27–Sep. 25. Dec. 1–Jan. 15.
Unit 9C, that portion draining into the Naknek River from the north—1 bull by State registration permit	Sep. 1–20. Dec. 1–31.

TABLE 9 TO PARAGRAPH (n)(9)—Continued

Harvest limits	Open season
Unit 9C, that portion draining into the Naknek River from the south—1 bull by State registration permit. Public lands are closed during December for the hunting of moose, except by federally qualified subsistence users hunting under these regulations.	Aug. 20–Sep. 20. Dec. 1–31.
Unit 9C, remainder—1 bull by State registration permit	Sep. 1–20. Dec. 15–Jan. 15.
Unit 9D—1 bull by Federal registration permit. Federal public lands will be closed by announcement of the Izembek Refuge Manager to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts.	Dec. 15–Jan. 20.
Unit 9E—1 bull by State registration permit; however, only antlered bulls may be taken Dec. 1–Jan. 31	Sep. 1–25. Dec. 1–Jan. 31.
Beaver: Unit 9B and 9E—2 beavers per day	Apr. 15–May 31.
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Fox, Arctic (blue and white phases): No limit	Dec. 1–Mar. 15.
Fox, red (including cross, black, and silver phases): 2 foxes	Sep. 1–Feb. 15.
Hare, Alaska: 1 per day, 4 per season	Nov. 1–Mar. 31.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Last day of Feb.
Grouse (spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock, willow, and white-tailed): 10 per day, 20 in possession	Aug. 10–last day of Feb.
Trapping	
Beaver:	
No limit	Oct. 10–Mar. 31.
2 beavers per day; only firearms may be used	Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (blue and white phases): No limit	Nov. 10–Feb. 28.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

* * * * * (11) * * *

TABLE 11 TO PARAGRAPH (n)(11)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 2 bears	Aug. 10–June 15.
Caribou: 1 bull by Federal registration permit	May be announced.
The Wrangell-St. Elias National Park and Preserve Superintendent, in consultation with the Alaska Department of Fish and Game, Office of Subsistence Management, and Chairs of the affected Councils, may announce season dates, harvest quotas, and the number of permits to be issued, open and close seasons, and define harvest areas.	
Federal public lands in Unit 11 north of the Sanford River are closed to caribou hunting except by residents of Chistochina, Gakona, Glennallen, Gulkana, Mentasta Lake, and Slana/Nabesna Road hunting under this part.	
Federal public lands in Unit 11 remainder are closed to caribou hunting except by residents of Chitina, Copper Center/Silver Springs, Kenny Lake/Willow Creek, Gakona, Glennallen, Gulkana, McCarthy, McCarthy Road, Tazlina, and Tonsina hunting under this part.	
Sheep:	
1 ram	Aug. 10–Sep. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older. Ewes accompanied by lambs or lambs may not be taken.	Aug. 1–Oct. 20.
Goat:	
Unit 11, that portion within the Wrangell-St. Elias National Park and Preserve that is bounded by the Chitina and Nizina Rivers on the south, the Kennicott River and glacier on the southeast, and the Root Glacier on the east—1 goat by Federal registration permit only.	Aug. 25–Dec. 31.
Unit 11, the remainder of the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only.	Aug. 10–Dec. 31.
Unit 11, that portion outside of the Wrangell-St. Elias National Park and Preserve	No open season.

TABLE 11 TO PARAGRAPH (n)(11)—Continued

Harvest limits	Open season
Federal public lands will be closed by announcement of the Superintendent, Wrangell-St. Elias National Park and Preserve, to the harvest of goats when a total of 45 goats has been harvested between Federal and State hunts.	
Moose:	
Unit 11, that portion draining into the east bank of the Copper River upstream from and including the Slana River drainage—1 antlered bull by joint Federal/State registration permit.	Aug. 20–Sep. 20; Season may be announced between Sep. 21–30.
Unit 11, that portion south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nizina River, and the west bank of West Fork of the Nizina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain—1 bull by Federal registration permit. However, during the period Aug. 20–Sep. 20, only an antlered bull may be taken.	Aug. 20–Sep. 20; Season may be announced between Sep. 21–30.
Unit 11, remainder—1 antlered bull by Federal registration permit only	Nov. 20–Jan. 20. Aug. 20–Sep. 20; Season may be announced between Sep. 21–30.
Muskrat: No limit	Sep. 20–June 10.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Feb. 28.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: No limit	Sep. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(12) * * *

TABLE 12 TO PARAGRAPH (n)(12)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 2 bears	Aug. 10–June 30.
Caribou:	
Unit 12, that portion within the Wrangell-St. Elias National Park and Preserve that lies west of the Nabesna River and the Nabesna Glacier. All hunting of caribou is prohibited on Federal public lands.	No open season.
Unit 12, that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull by Federal registration permit only. Federal public lands are closed to the harvest of caribou except by federally qualified subsistence users hunting under this part.	Aug. 10–Sep. 30.
Unit 12, remainder—1 bull	May be announced between Sep. 1–20.
OR	
1 caribou by Federal registration permit	Winter season may be announced between Oct. 1–Apr. 30.
The Tetlin National Wildlife Refuge Manager, in consultation with the Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, Office of Subsistence Management, and Chairs of the Eastern Interior Alaska Subsistence Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee may announce season dates and harvest quotas, open and close seasons, and for the winter season, set sex restrictions. Federal public lands in Unit 12 remainder are closed to caribou hunting except by residents of Alcan Border, Chistochina, Dot Lake, Mentasta Lake, Mentasta Pass, Northway, Tanacross, Tetlin, and Tok hunting under this part.	

TABLE 12 TO PARAGRAPH (n)(12)—Continued

Harvest limits	Open season
Sheep:	
Unit 12—1 ram with full curl or larger horn	Aug. 10–Sep. 20.
Unit 12, that portion within Wrangell-St. Elias National Park and Preserve—1 ram with full curl horn or larger by Federal registration permit only by persons 60 years of age or older.	Aug. 1–Oct. 20.
Moose:	
Unit 12, that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to Pickerel Lake—1 antlered bull by Federal registration permit.	Aug. 24–Sep. 20; Nov. 1–Feb. 28.
Unit 12, that portion east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull.	Aug. 24–Sep. 30.
Unit 12, that portion within the Nabesna River drainage west of the east bank of the Nabesna River upstream from the southern boundary of Tetlin National Wildlife Refuge—1 antlered bull by joint Federal/State registration permit only.	Aug. 20–Sep. 20.
Unit 12, remainder—1 bull	Aug. 24–28; Sep. 8–20.
Beaver: Unit 12, Wrangell-St. Elias National Park and Preserve—6 beavers per season. Meat from harvested beaver must be salvaged for human consumption.	Sep. 20–May 15.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit. Hide or meat must be salvaged. Traps, snares, bow and arrow, or firearms may be used	Sep. 15–Jun 10.
Coyote: No limit	Oct. 15–Apr. 30.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Mar. 15.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sep. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) * * *

TABLE 13 TO PARAGRAPH (n)(13)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 2 bears. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31.
Caribou:	
Units 13A and 13B—up to 2 caribou by Federal registration permit only	May be announced between Aug. 1–Sep. 30. May be announced between Oct. 21–Mar. 31.
The Glennallen Field Office Manager, in consultation with the Alaska Department of Fish and Game, Office of Subsistence Management, Ahtna Intertribal Resource Commission, and Chair of the affected Councils, may announce season dates and harvest quotas, open and close seasons, and set sex restrictions and harvest limits.	
Federal public lands in Unit 13A are closed to caribou hunting except by residents of Chickaloon, Chitina, Copper Center/Silver Springs, Gakona, Glacier View, Glennallen, Gulkana, Lake Louise, Tazlina, and Tolsona hunting under this part.	
Federal public lands in Unit 13B are closed to caribou hunting except by residents of Chitina, Chickaloon, Chistochina, Copper Center/Silver Springs, Gakona, Glacier View, Glennallen, Gulkana, Kenny Lake/Willow Creek, Lake Louise, McCarthy, Nelchina, Paxson, Sheep Mountain, Slana, Tazlina, Tolsona, and Tonsina hunting under this part.	

TABLE 13 TO PARAGRAPH (n)(13)—Continued

Harvest limits	Open season
Unit 13, remainder—2 bulls by Federal registration permit only	May be announced between Aug. 1–Sep. 30. May be announced between Oct. 21–Mar. 31.
The Glennallen Field Office Manager, in consultation with the Wrangell-St. Elias National Park and Preserve Superintendent, Denali National Park and Preserve Superintendent, Alaska Department of Fish and Game, Office of Subsistence Management, Ahtna Intertribal Resource Commission, and Chair of the affected Councils, may announce season dates and harvest quotas and open and close seasons.	
Federal public lands in Unit 13C are closed to caribou hunting except by residents of Chistochina, Gakona, Glennallen, Gulkana, Mentasta Lake, Mentasta Pass, Slana/Nabesna Road, Tazlina, and Tolsona hunting under this part.	
Federal public lands in Unit 13D are closed to caribou hunting except by residents of Chitina, Copper Center, Glennallen, Kenny Lake/Willow Creek, Tazlina, Tolsona, and Tonsina hunting under this part.	
Federal public lands in Unit 13E are closed to caribou hunting except by residents of Cantwell, Chase, Denali Village (formerly McKinley Village), and the area between mileposts 216–239 of the Parks Highway (excluding residents of Denali Park Headquarters) hunting under this part.	
Sheep: Unit 13, excluding Unit 13D and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl or larger horn.	Aug. 10–Sep. 20.
Moose:	
Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household.	Aug. 1–Sep. 30.
Bureau of Land Management lands are closed to moose hunting except by federally qualified subsistence users hunting under this part.	
Unit 13, remainder—1 antlered bull moose by Federal registration permit only	Aug. 1–Sep. 30.
Bureau of Land Management lands are closed to moose hunting except by federally qualified subsistence users hunting under this part.	
Beaver: 1 beaver per day, 1 in possession	June 15–Sep. 10.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Feb. 28.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: No limit	Sep. 25–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: Unit 13—No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Sep. 25–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Feb. 28.

* * * * *

(17) *Unit 17.* (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17A consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands.

(B) Unit 17B consists of the Nushagak River drainage upstream from, and including, the Mulchatna River drainage and the Wood River drainage upstream from the outlet of Lake Beverley.

(C) Unit 17C consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bear, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17B, from Aug. 1 through Nov. 1.

(B) [Reserved]

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting.

(C) If you have a trapping license, you may use a firearm to take beaver in Unit 17 throughout the season and consistent with established harvest limits. You may not take beaver with a firearm under a trapping license on National Park Service lands.

(D) In Unit 17, a snowmachine may be used to assist in the taking of a caribou, and caribou may be shot from a stationary snowmachine. ''Assist in the taking of a caribou'' means a snowmachine may be used to approach within 300 yards of a caribou at speeds

under 15 miles per hour, in a manner that does not involve repeated approaches or that causes a caribou to run. A snowmachine may not be used to contact an animal or to pursue a fleeing caribou.

(E) In Unit 17, a snowmachine may be used to approach and pursue a wolf or wolverine provided the snowmachine does not contact a live animal.

TABLE 17 TO PARAGRAPH (n)(17)

Harvest limits	Open season
Hunting	
Bear, black: 2 bears	Aug. 1–May 31.
Bear, brown: Unit 17—2 bears	July 1–June 30.
Caribou:	
Unit 17A, all drainages west of Right Hand Point—up to 2 caribou by State registration permit	Season may be announced between Aug. 1–Mar. 31.
Units 17A and 17C, that portion of 17A east of the Ungalikthluk River and South of Buchia Ridge, and within the lower Kulukak River drainage south of Buchia Ridge and within the Kanik River drainage downstream of the Tithe Creek, that portion of 17C south of the Igushik River and south of and including the Tuklung River drainage—up to 5 caribou by Federal registration permit.	Aug. 1–Mar. 31.
Public lands are closed to the taking of caribou except by federally qualified users unless the population estimate exceeds 900 caribou.	
Units 17A, remainder and 17C, remainder—selected drainages; a harvest limit of up to 2 caribou by State registration permit will be determined at the time the season is announced.	Season may be announced between Aug. 1 and Mar. 31.
Units 17B and 17C, that portion of 17C east of the Wood River and Wood River Lakes—up to 2 caribou by State registration permit.	Season may be announced between Aug. 1–Mar. 31.
Sheep: 1 ram with full curl or larger horn	Aug. 10–Sep. 20.
Moose:	
Unit 17A—1 bull by State registration permit; or	Aug. 25–Sep. 25.
1 antlerless moose by State registration permit; or	Aug. 25–Sep. 25.
Unit 17A—up to 2 moose; 1 antlered bull by State registration permit, 1 antlerless moose by State registration permit.	Up to a 31-day season may be announced between Dec. 1 and the last day of Feb.
Units 17B and 17C—1 bull	Aug. 20–Sep. 15.
During the period Aug. 20–Sep. 15—1 bull by State registration permit; or.	Dec. 1–31.
During the period Sep. 1–15—1 bull with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side with a State harvest ticket; or.	
During the period Dec. 1–31—1 antlered bull by State registration permit.	
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Fox, Arctic (blue and white phases): No limit	Dec. 1–Mar. 15.
Fox, red (including cross, black, and silver phases): 2 foxes	Sep. 1–Feb. 15.
Hare, Alaska: 1 per day, 4 per season	Nov. 1–Mar. 31.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce and ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock and willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 17—No limit	Oct. 10–Mar. 31.
Unit 17—2 beavers per day. Only firearms may be used	Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (blue and white phases): No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) * * *

TABLE 18 TO PARAGRAPH (n)(18)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: 1 bear by State registration permit only	Sep. 1–May 31.
Caribou:	
Unit 18, that portion to the east and south of the Kuskokwim River—up to 2 caribou by State registration permit.	Season may be announced between Aug. 1–Mar. 15.
Unit 18, remainder—up to 2 caribou by State registration permit	Season may be announced between Aug. 1–Mar. 15.
Moose:	
Unit 18, that portion east of a line running from the mouth of the Ishkowik River to the closest point of Dall Lake, then to the east bank of the Johnson River at its entrance into Nunavakanukakslak Lake (60°59.41′ N latitude; 162°22.14′ W longitude), continuing upriver along a line ½ mile south and east of, and paralleling a line along the southerly bank of the Johnson River to the confluence of the east bank of Crooked Creek, then continuing upriver to the outlet at Arhymot Lake, then following the south bank east of the Unit 18 border and then north of and including the Eek River drainage—1 antlered bull by State registration permit during the fall season.	Sep. 1–Oct. 15.
Or	
1 antlerless moose by Federal permit during a may-be-announced fall season	May be announced between Sep. 1–Oct. 15
Or	
1 moose by Federal permit during a may-be-announced winter season	May be announced between Dec. 1–Mar. 31.
Federal public lands are closed to the taking of moose except by residents of Akiachak, Akiak, Atmautlauk, Bethel, Eek, Kalskag, Kasigluk, Kipnuk, Kongiganak, Kwethluk, Kwigillingok, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Quinhagak, Tuluksak, and Tuntutuliak.	
Unit 18, south of the Eek River drainage and north of and including the Carter Bay drainage—1 antlered bull by State registration permit.	Sep. 1–Oct. 15.
Unit 18, that portion that drains into Kuskokwim Bay south of Carter Bay drainage—1 antlered bull by State registration permit.	Sep. 1–30.
Or	
1 moose by State registration permit	A season may be announced between Dec. 1 and the last day of Feb.
Unit 18, remainder—3 moose, only one of which may be antlered	July 16–Apr. 30.
Cows accompanied by calves may not be taken July 16–31. Antlered bulls may not be harvested Oct. 1–Nov. 30.	
Beaver: No limit	July 1–June 30.
Coyote: 4 coyotes	Aug. 15–May 31.
Fox, Arctic (blue and white phases): 2 foxes	Sep. 1–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, Alaska: 2 per day, 6 per season	Aug. 1–May 31.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 5 lynx	Aug. 10–Apr. 30.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 2 wolverine	Sep. 1–Mar. 31.
Grouse (spruce and ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock and willow): 25 per day, 50 in possession	Aug. 10–May 30.
Trapping	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (blue and white phases): No limit	Nov. 10–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Mar. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream, excluding the drainages of Arhymot Lake, from a line starting at the outlet of Arhymot Lake at Crooked Creek (locally known as Johnson River), then along the south bank of Crooked Creek downstream to the northern terminus of Crooked Creek to the Yukon-Kuskokwim Portage (locally known as the Mud Creek Tramway), then along the west side of the tramway to Mud Creek, then along the westerly bank of Mud Creek downstream to an unnamed slough of the Kuskokwim River (locally

known as First Slough or Kalskag Slough), then along the west bank of this unnamed slough downstream to its confluence with the Kuskokwim River, then southeast across the Kuskokwim River to its southerly bank, then along the south bank of the Kuskokwim River upriver to the confluence of a Kuskokwim River slough locally known as Old River, then across Old River to the downriver terminus of the island formed by Old River and the Kuskokwim River, then along the north bank of the main channel of Old River to Igyalleq Creek (Whitefish Creek), then along the south and west bank of Igyalleq Creek to Whitefish Lake, then directly across Whitefish Lake to Ophir Creek then along the west bank of Ophir Creek to its headwaters at 61°10.22′ N lat., 159°46.05′ W long.:

(A) Unit 19A consists of the Kuskokwim River drainage downstream from and including the George River drainage and downstream from and excluding the Downey Creek drainage.

(B) Unit 19B consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage.

(C) Unit 19C consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwestern corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage.

(D) Unit 19D consists of that portion drained by the Kuskokwim River drainage upstream from and including the Swift River drainage, excluding Unit 19C.

(E) Unit 19E consists of the remainder of Unit 19.

(ii) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (n)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30.

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in those portions of Units 19A and 19B downstream of and including the Aniak River drainage if you have obtained a State registration permit prior to hunting.

(C) In Unit 19C, individual residents of Nikolai may harvest sheep during the Aug. 10 to Sep. 20 season and not have that animal count against the community harvest limit (during the Oct. 1 to Mar. 30 season). Individual residents of Nikolai that harvest a sheep under State regulations may not participate in the Oct. 1 to Mar. 30 community harvest.

TABLE 19 TO PARAGRAPH (n)(19)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: Units 19A and 19B, those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.	Aug. 10–June 30.
Units 19A, remainder; 19B, remainder; 19D; and 19E—1 bear	Aug. 10–June 30.
Caribou: Units 19A, 19B, and 19E (excluding rural Alaska residents of Lime Village)—up to 2 caribou by State registration permit.	Season may be announced between Aug. 1–Mar. 15.
Unit 19C—1 caribou	Aug. 10–Oct. 10.
Unit 19D, south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sep. 30. Nov. 1–Jan. 31.
Unit 19D, remainder—1 caribou	Aug. 10–Sep. 30.
Unit 19, residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1 through Aug. 9. Reporting will be by a community reporting system.	July 1–June 30.
Sheep: 1 ram with 7/8 curl horn or larger	Aug. 10–Sep. 20.
Unit 19C, that portion within the Denali National Park and Preserve-residents of Nikolai only—no individual harvest limit, but a community harvest quota will be set annually by the Denali National Park and Preserve Superintendent; rams or ewes without lambs only. Reporting will be by a community reporting system.	Oct. 1–Mar. 30.
Moose: Unit 19, residents of Lime Village only—no individual harvest limit, but a village harvest quota of 28 bulls (including those taken under the State permits). Reporting will be by a community reporting system.	July 1–June 30.
Unit 19A—1 antlered bull by Federal drawing permit or a State permit. Federal public lands are closed to the taking of moose except by residents of Tuluksak, Lower Kalskag, Upper Kalskag, Aniak, Chuathbaluk, and Crooked Creek hunting under these regulations.	Sep. 1–20.
Unit 19B—1 bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side	Sep. 1–20.
Unit 19C—1 antlered bull	Sep. 1–20.
Unit 19C—1 bull by State registration permit	Jan. 15–Feb. 15.
Unit 19D, upstream from the mouth of the Selatna River, but excluding the Selatna and Black River drainages, to a line extending from Dyckman Mountain on the northern Unit 19D boundary southeast to the 1,610-foot crest of Munsatli Ridge, then south along Munsatli Ridge to the 2,981-foot peak of Telida Mountain, then northeast to the intersection of the western boundary of Denali National Preserve with the Minchumina-Telida winter trail, then south along the western boundary of Denali National Preserve to the southern boundary of Unit 19D—1 bull.	Sep. 1–30. Dec. 1–Feb. 28.
Unit 19D, remainder—1 antlered bull	Sep. 1–30. Dec. 1–15.
Unit 19E, Lime Village Management Area—2 bulls by State or Federal registration permit	Aug. 10–Sep. 25. Nov. 20–Mar 31.
Unit 19E—1 antlered bull by State registration permit available in Sleetmute and Stoney River on July 24. Permits issued on a first come, first served basis (number of permits to be announced annually).	Sep. 1–5.

TABLE 19 TO PARAGRAPH (n)(19)—Continued

Harvest limits	Open season
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: Unit 19D—10 wolves per day	Aug. 10–Apr. 30.
Unit 19, remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock, willow, and white-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) * * *

TABLE 20 TO PARAGRAPH (n)(20)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: Unit 20A—1 bear	Sep. 1–May 31.
Unit 20E—2 bears	Aug. 10–June 30.
Unit 20, remainder—1 bear	Sep. 1–May 31.
Caribou: Unit 20E—up to 3 caribou, to be announced, by a joint State/Federal registration permit	Fall season between Aug. 1 and Sep. 30, to be announced. Winter season between Oct. 21 and Mar. 31, to be announced.
Unit 20F, north of the Yukon River—1 caribou	Aug. 10–Mar. 31.
Unit 20F, east of the Dalton Highway and south of the Yukon River—up to 3 caribou, to be announced, by a joint State/Federal registration permit.	Fall season between Aug. 1 and Sep. 30, to be announced. Winter season between Oct. 21 and Mar. 31, to be announced.
Moose:	
Unit 20A—1 antlered bull	Sep. 1–20.
Unit 20B—1 antlered bull	Sep. 1–20.
Unit 20C, that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sep. 1–30. Nov. 15–Dec. 15.
Unit 20C, remainder—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sep. 1–30.
Unit 20E, that portion within Yukon-Charley Rivers National Preserve—1 bull	Aug. 20–Sep. 30.
Unit 20E, that portion drained by the Middle Fork of the Fortymile River upstream from and including the Joseph Creek drainage—1 bull.	Aug. 20–Sep. 30.
Unit 20E, remainder—1 bull by joint Federal/State registration permit	Aug. 20–Sep. 30.
Unit 20F, that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sep. 1–25.
Unit 20F, remainder—1 antlered bull	Sep. 1–30. Dec. 1–10.
Sheep:	
Unit 20E—1 ram with full-curl horn or larger. Federal public lands within Yukon-Charley Rivers National Preserve and within the Glacier Mountain Controlled Use Area are closed to sheep hunting by all users.	Aug. 10–Sep. 20.
Unit 20, remainder	No open season.
Beaver: Unit 20E—Yukon-Charley Rivers National Preserve—6 beavers per season. Meat from harvested beaver must be salvaged for human consumption.	Sep. 20–May 15.

TABLE 20 TO PARAGRAPH (n)(20)—Continued

Harvest limits	Open season
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: Units 20A, 20B, and that portion of 20C east of the Teklanika River—2 lynx	Dec. 1–Jan. 31.
Unit 20E—2 lynx	Nov. 1–Jan. 31.
Unit 20, remainder—2 lynx	Dec. 1–Jan. 31.
Muskrat: Unit 20E, that portion within Yukon-Charley Rivers National Preserve—No limit	Sep. 20–June 10.
Unit 20C, that portion within Denali National Park and Preserve—25 muskrat	Nov. 1–June 10.
Unit 20, remainder	No open season.
Wolf:	
Unit 20C, that portion within Denali National Park and Preserve—1 wolf during the Aug. 10–Oct. 31 period; 5 wolves during the Nov. 1–Apr. 30 period, for a total of 6 wolves for the season.	Aug. 10–Oct. 31. Nov. 1–Apr. 30.
Unit 20, remainder—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce, ruffed, and sharp-tailed): Units 20A, 20B, 20C, 20E, and 20F—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (rock and willow): Unit 20, those portions within 5 miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: Units 20A, 20B, 20C, and 20F—No limit	Nov. 1–Apr. 15.
Unit 20E—No limit. Hide or meat must be salvaged. Traps, snares, bow and arrow, or firearms may be used.	Sep. 15–June 10.
Coyote: Unit 20E—No limit	Oct. 15–Apr. 30.
Unit 20, remainder—No limit	Nov. 1–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Feb. 28.
Lynx: Units 20A, 20B, and 20C east of the Teklanika River—No limit	Dec. 15–Feb. 15.
Unit 20E—No limit	Nov. 1–Mar. 15.
Units 20F and 20C, remainder—No limit	Nov. 1–Feb. 28.
Marten: Unit 20E—No limit	Nov. 1–Mar. 15
Unit 20, remainder—No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: Unit 20E—No limit	Sep. 20–June 10.
Unit 20, remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: Units 20A, 20B, 20C, and 20F—No limit	Nov. 1–Apr. 30.
Unit 20E—No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

* * * * * (22) * * *

TABLE 22 TO PARAGRAPH (n)(22)

Harvest limits	Open season
Hunting	
Bear, black:	
Units 22A and 22B—3 bears	July 1–June 30.
Unit 22, remainder	No open season.
Bear, brown:	
Unit 22A, south of and including the Golsovia River drainage—2 bears by State registration permit	Aug. 1–May 31.
Units 22A remainder, 22B, 22D, and 22E—2 bears by State registration permit	Aug. 1–June 30.
Unit 22C—1 bear by State registration permit only	Aug. 1–June 30.
Caribou:	
Unit 22B, that portion west of Golovnin Bay and west of a line along the west bank of the Fish and Niukluk Rivers to the mouth of the Libby River, and excluding all portions of the Niukluk River drainage upstream from and including the Libby River drainage—15 caribou, only 1 may be a cow by State registration permit. Calves may not be taken.	Oct. 1–Apr. 30. May 1–Sep. 30, season may be announced.
Units 22A, that portion north of the Golsovia River drainage, 22B remainder, that portion of Unit 22D in the Kuzitrin River drainage (excluding the Pilgrim River drainage), and the Agiapuk River drainages, including the tributaries, and Unit 22E, that portion east of and including the Tin Creek drainage—15 caribou, only 1 may be a cow by State registration permit. Calves may not be taken.	July 1–June 30.
Unit 22A, remainder—15 caribou, only 1 may be a cow by State registration permit. Calves may not be taken.	July 1–June 30, season may be announced.

TABLE 22 TO PARAGRAPH (n)(22)—Continued

Harvest limits	Open season
Unit 22D, that portion in the Pilgrim River drainage—15 caribou, only 1 may be a cow by State registration permit. Calves may not be taken.	Oct. 1–Apr. 30. May 1–Sep. 30, season may be announced.
Units 22C, 22D remainder, 22E remainder—15 caribou, only 1 may be a cow by State registration permit. Calves may not be taken.	July 1–June 30, season may be announced.
Moose:	
Unit 22A, that portion north of the Egavik Creek drainage—1 bull	Aug. 1–Sep. 30.
Unit 22A, that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of and including the Egavik Creek drainage—1 bull by State registration permit. The BLM Anchorage Field Office is delegated authority to close the season in consultation with ADF&G.	Aug. 1–Sep. 30. Dec. 1–last day of Feb.
Unit 22A, remainder—1 bull. However, during the period Jan. 1–Feb. 15, only an antlered bull may be taken.	Aug. 1–Sep. 30. Jan. 1–Feb. 15.
Unit 22B, west of the Darby Mountains—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by federally qualified subsistence users hunting under these regulations.	Sep. 1–14.
Unit 22B, west of the Darby Mountains—1 antlered bull by State registration permit. Quotas and any needed season closures will be announced by the BLM Anchorage Field Office Manager, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by residents of White Mountain and Golovin hunting under this part.	Jan. 1–31.
Unit 22B, remainder—1 bull	Aug. 1–Jan. 31.
Unit 22C—1 antlered bull	Sep. 1–14.
Unit 22D, Kutzitrin River drainages (including Kougarok and Pilgrim rivers) and southwest area located west of the Tisuk River drainage, west of the west bank of Canyon Creek beginning at McAdam Creek continuing to Tuksuk Channel—1 bull by State registration permit. Quotas and any needed closures will be announced by the BLM Anchorage Field Office Manager in consultation with NPS and ADF&G.	Sep. 1–14.
Or	
1 antlered bull by State registration permit. Quotas and any needed closures will be announced by the BLM Anchorage Field Office Manager, in consultation with NPS and ADF&G. Federal public lands are closed to the taking of moose except by residents of Units 22C and 22D hunting under this part.	Season may be announced between Dec. 1–Jan. 31.
Unit 22D, remainder—1 bull by State registration permit.	Aug. 10–Sep. 14
Or	
1 antlered bull by State registration permit. Federal public lands are closed to the harvest of moose except by federally qualified subsistence users hunting under this part.	Season may be announced, Dec. 1–Jan. 31.
Unit 22E—1 antlered bull by Federal registration permit. Federal public lands are closed to the taking of moose except by federally qualified subsistence users hunting under this part.	Aug. 1–Mar. 15.
Musk ox:	
Unit 22A—1 bull by Federal drawing permit or State permit	Aug. 1–Mar. 15.
Unit 22B—1 bull by Federal drawing permit or State permit. Federal public lands are closed to the taking of musk ox except by federally qualified subsistence users hunting under these regulations.	Aug. 1–Mar. 30.
Unit 22D, that portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal drawing permit or State permit. Federal public lands are closed to the harvest of musk ox except by residents of Nome and Teller hunting under these regulations.	Sep. 1–Mar. 30.
Unit 22D, that portion within the Kuzitrin River drainages—1 bull by Federal drawing permit or State permit. Federal public lands are closed to the taking of musk ox except for residents of Council, Golovin, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations.	Aug. 1–Mar. 30.
Unit 22D, remainder—1 bull by Federal drawing permit or State permit. Federal public lands are closed to the taking of musk ox except by residents of Elim, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations.	Aug. 1–Mar. 30.
Unit 22E—1 bull by Federal drawing permit or State permit. Federal public lands are closed to the harvest of musk ox except by federally qualified subsistence users hunting under these regulations.	Aug. 1–Mar. 30.
Unit 22, remainder	No open season.
Beaver:	
Units 22A, 22B, 22D, and 22E—50 beavers	Nov. 1–June 10.
Unit 22, remainder	No open season.
Coyote	No open season.
Fox, Arctic (blue and white phases): 2 foxes	Sep. 1–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes	Nov. 1–Apr. 15.
Hare, Alaska: 2 per day, 6 per season	Aug. 1–May 31.
Hare, snowshoe: No limit	Sep. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten:	
Units 22A and 22B—No limit	Nov. 1–Apr. 15.
Unit 22, remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverines	Sep. 1–Mar. 31.
Grouse (spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock and willow):	
Units 22A and 22B east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.

TABLE 22 TO PARAGRAPH (n)(22)—Continued

Harvest limits	Open season
Unit 22E—20 per day, 40 in possession	July 15–May 15.
Unit 22, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Units 22A, 22B, 22D, and 22E—50 beavers	Nov. 1–June 10.
Unit 22C	No open season.
Coyote	No open season.
Fox, Arctic (blue and white phases): No limit	Nov. 1–Apr. 15.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) * * *

TABLE 23 TO PARAGRAPH (n)(23)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown: Unit 23—2 bears by State subsistence registration permit	July 1–June 30.
Caribou:	
Unit 23, that portion which includes all drainages north and west of, and including, the Singoalik River drainage—15 caribou, only 1 may be a cow, by State registration permit as follows:	
Bulls may be harvested	July 1–June 30.
Cows may be harvested. However, cows accompanied by calves may not be taken July 15–Oct. 14	July 15–Apr. 30.
Federal public lands are closed to caribou hunting Aug. 1–Oct. 31, except by federally qualified subsistence users hunting under these regulations unless the Western Arctic Caribou herd population estimate exceeds 200,000 caribou.	
Unit 23, remainder—15 caribou, only 1 may be a cow, by State registration permit, as follows:	
Bulls may be harvested	July 1–June 30.
Cows may be harvested. However, cows accompanied by calves may not be taken July 31–Oct. 14	July 31–Mar. 31.
Federal public lands are closed to caribou hunting Aug. 1–Oct. 31, except by federally qualified subsistence users hunting under these regulations unless the Western Arctic Caribou herd population estimate exceeds 200,000 caribou.	
Federal public lands within a 10-mile-wide corridor (5 miles either side) along the Noatak River from the western boundary of Noatak National Preserve upstream to the confluence with the Cutler River; within the northern and southern boundaries of the Eli and Agashashok River drainages, respectively; and within the Squirrel River drainage are closed to caribou hunting except by federally qualified subsistence users hunting under these regulations.	
Sheep:	
Unit 23, south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 sheep by Federal registration permit. Federal public lands are closed to the taking of sheep except by federally qualified subsistence users hunting under these regulations.	May be announced.
Unit 23, north of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 sheep by Federal registration permit.	May be announced.
Unit 23, remainder (Schwatka Mountains) except for that portion within Gates of the Arctic National Park and Preserve—1 sheep by Federal registration permit.	May be announced.
Unit 23, remainder (Schwatka Mountains), that portion within Gates of the Arctic National Park and Preserve—1 ram with 7/8 curl or larger horn.	Aug. 10–Sep. 20.
Unit 23, remainder (Schwatka Mountains), that portion within Gates of the Arctic National Park and Preserve—1 sheep.	Oct. 1–Apr. 30.
Moose:	
Unit 23, that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 antlered bull.	July 1–Dec. 31.
No person may take a calf.	
Unit 23, remainder—1 antlered bull	Aug. 1–Dec. 31.
No person may take a calf.	
Musk ox:	
Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal drawing permit or State permit.	Aug. 1–Mar. 30.
Unit 23, Cape Krusenstern National Monument—1 bull by Federal drawing permit	Aug. 1–Mar. 15.

TABLE 23 TO PARAGRAPH (n)(23)—Continued

Harvest limits	Open season
Unit 23, that portion north and west of the Kobuk River drainage—1 bull by State permit or Federal drawing permit.	Aug. 1–Mar. 15.
Unit 23, remainder	No open season.
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Fox, Arctic (blue and white phases): No limit	Sep. 1–Apr. 30.
Fox, red (including cross, black, and silver phases): No limit	Sep. 1–Mar. 15.
Hare, Alaska: 2 per day, 6 per season	Aug. 1–May 31.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 20 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Muskrat: No limit	July 1–June 30.
Grouse (spruce and ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30
Ptarmigan (rock, willow, and white-tailed): 50 per day, 100 in possession	Aug. 10–June 15.
Trapping	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (blue and white phases): No limit	Nov. 1–Apr. 15.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–April 15.
Muskrat: No limit	July 1–June 30.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) * * *

TABLE 24 TO PARAGRAPH (n)(24)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown:	
Unit 24B, that portion within Gates of the Arctic National Park—2 bears by State registration permit	Aug. 10–June 30
Unit 24 remainder—1 bear by State registration permit	Aug. 10–June 30
Caribou:	
Unit 24A, that portion south of the south bank of the Kanuti River—1 caribou	Aug. 10–Mar. 31.
Unit 24B, that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolitna River drainage, bounded by the southeast bank of the Kodosin-Nolitna Creek, then downstream along the east bank of the Kanuti-Kilolitna River to its confluence with the Kanuti River—1 caribou.	Aug. 10–Mar. 31.
Unit 24A remainder—5 caribou per day as follows:	
Calves may not be taken.	
Bulls may be harvested	July 1–Oct. 14. Feb. 1–June 30.
Cows may be harvested	July 15–Apr. 30.
Unit 24B remainder—15 caribou, only 1 may be a cow, as follows:	
Calves may not be taken	
Bulls may be harvested	July 1–Oct. 14. Feb. 1–June 30.
Cows may be harvested	July 15–Apr. 30.
Units 24C, 24D—15 caribou, only 1 may be a cow, as follows:	
Calves may not be taken.	
Bulls may be harvested	July 1–Oct. 14. Feb. 1–June 30.
Cows may be harvested	Sep. 1–Mar. 31.
Sheep:	
Units 24A and 24B (Anaktuvuk Pass residents only), that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes, and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.	July 15–Dec. 31.
Units 24A and 24B (excluding Anaktuvuk Pass residents), those portions within the Gates of the Arctic National Park—1 ram, by Federal registration permit only, with exception for residents of Alatna and Allakaket who will report by a National Park Service community harvest system.	Aug. 1–Apr. 30.

TABLE 24 TO PARAGRAPH (n)(24)—Continued

Harvest limits	Open season
Unit 24A, except that portion within the Gates of the Arctic National Park—1 ram by Federal registration permit only.	Aug. 20–Sep. 30.
Unit 24, remainder—1 ram with 7/8 curl or larger horn	Aug. 10–Sep. 20.
Moose:	
Unit 24A—1 antlered bull by Federal registration permit	Aug. 25–Oct. 1.
Unit 24B, that portion within the John River Drainage—1 moose by State harvest ticket	Aug. 1–Dec. 14.
Or	
1 antlered bull by State registration permit	Dec. 15–Apr. 15.
Unit 24B, remainder—1 antlered bull by State harvest ticket	Aug. 25–Oct. 1.
Or	
1 antlered bull by State registration permit	Dec. 15–Apr. 15.
Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose Apr. 16–Dec. 14, except by federally qualified subsistence users hunting under these regulations.	
Units 24C and 24D, that portion within the Koyukuk Controlled Use Area and Koyukuk National Wildlife Refuge—1 bull.	Sep. 1–25.
1 antlerless moose by Federal permit if authorized by announcement by the Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Field Office Manager Central Yukon Field Office. Harvest of cow moose accompanied by calves is prohibited. A harvestable surplus of cows will be determined for a quota.	Mar. 1–5 to be announced.
Or	
1 antlered bull by Federal permit, if there is no Mar. 1–5 season and if authorized by announcement by the Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Field Office Manager Central Yukon Field Office. Harvest of cow moose accompanied by calves is prohibited. Announcement for the March and April seasons and harvest quotas will be made after consultation with the ADF&G Area Biologist and the Chairs of the Western Interior Alaska Subsistence Regional Advisory Council, and the Middle Yukon and Koyukuk River Fish and Game Advisory Committees.	Apr. 10–15 to be announced.
Unit 24C, remainder and Unit 24D, remainder—1 antlered bull. During the Sep. 5–25 season, a State registration permit is required.	Aug. 25–Oct. 1.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 15 wolves; however, no more than 5 wolves may be taken prior to Nov. 1	Aug. 10–Apr. 30.
Wolverine: 5 wolverine; however, no more than 1 wolverine may be taken prior to Nov. 1	Sep. 1–Mar. 31.
Grouse (spruce, ruffed, and sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock and willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 24A—no limit	Nov. 1–Mar 31.
Units 24B, 24C, and 24D—no limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25.* (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25A consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage.

(B) Unit 25B consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River.

(C) Unit 25C consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20E boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), and then following the Steese Highway to the northeast staying on the north side of the road from the Steese Bridge at milepost 147 to Circle; the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage.

(D) Unit 25D consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, and Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25A north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into two roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the headwaters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30 and between August 1 and September 25; in Unit 25D you may use bait to hunt brown bear between April 15 and June 30 and between August 1 and September 25; you may use bait to hunt wolves on FWS and BLM lands.

(B) You may take caribou and moose from a boat moving under power in Unit 25.

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25D west provided that:

(*1*) The person organizing the religious ceremony or cultural event contacts the Refuge Manager, Yukon Flats National Wildlife Refuge, prior to taking or attempting to take bull moose and provides to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, and the general area in which the taking will occur.

(*2*) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge, not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s).

(*3*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25D west.

(*4*) Any moose taken under this provision counts against the annual quota of 60 bulls.

TABLE 25 TO PARAGRAPH (n)(25)

Harvest limits	Open season
Hunting	
Bear, black:	
Units 25A, 25B, and 25C—3 bears or 3 bears by State community harvest permit	July 1–June 30. July 1–June 30.
Unit 25D—5 bears	July 1–June 30.
Bear, brown:	
Units 25A and 25B—1 bear	Aug. 10–June 30.
Unit 25C—1 bear	Sep. 1–May 31.
Unit 25D—2 bears every regulatory year	July 1–June 30.
Caribou:	
Unit 25A—in those portions west of the east bank of the East Fork of the Chandalar River, extending from its confluence with the Chandalar River upstream to Guilbeau Pass, and north of the south bank of the mainstem of the Chandalar River at its confluence with the East Fork Chandalar River west (and north of the south bank) along the West Fork Chandalar River—10 caribou. However, only bulls may be taken May 16–June 30.	July 1–June 30.
Unit 25C—up to 3 caribou, to be announced, by a joint Federal/State registration permit	Fall season between Aug. 1 and Sep. 30, to be announced. Winter season between Oct. 21 and Mar. 31, to be announced.
Unit 25D, that portion of Unit 25D drained by the west fork of the Dall River west of 150° W longitude—1 bull.	Aug. 10–Sep. 30. Dec. 1–31.
Units 25A remainder, 25B, and Unit 25D, remainder—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25A, that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25A, Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Federal public lands are closed to the taking of sheep except by federally qualified subsistence users hunting under these regulations.	Aug. 10–Apr. 30.
Unit 25A remainder—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
Units 25B, 25C remainder, and 25D—1 ram with full-curl horn or larger	Aug. 10–Sep. 20.

TABLE 25 TO PARAGRAPH (n)(25)—Continued

Harvest limits	Open season
Unit 25C, within Yukon-Charley National Preserve. Federal public lands are closed to sheep hunting by all users.	No open season.
Moose:	
Unit 25A, that portion within the Coleen, Firth, and Old Crow River drainages—1 antlered bull	Aug. 25–Sep. 25. Dec. 1–20.
Unit 25A remainder—1 antlered bull	Aug. 25–Sep. 25. Dec. 1–10.
Unit 25B, that portion within Yukon-Charley National Preserve—1 bull	Aug. 20–Oct. 15.
Unit 25B, that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 25–Oct. 15. Dec. 1–10.
Unit 25B, that portion, other than Yukon-Charley Rivers National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.	Sep. 5–Oct. 15. Dec. 1–15.
Unit 25B remainder—1 antlered bull	Aug. 25–Oct. 15. Dec. 1–15.
Unit 25C—1 antlered bull	Aug. 20–Oct. 15.
Unit 25D (west), that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit.	Aug. 25–Feb. 28.
Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in 1 of the 3 villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician.	
Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west).	
Unit 25D, remainder—1 antlered moose	Aug. 25–Oct. 15. Dec. 1–20.
Federal public lands within a 10-mile corridor (5 miles either side) along the Yukon River and 5-mile corridors (2.5 miles either side) along Birch Creek (including Upper and Lower Mouths), the Sheenjek River to river mile 60, the Porcupine River, Black River, and Chandalar River are closed to moose hunting from Sep. 10–20, except by federally qualified subsistence users hunting under this part.	
Beaver:	
Units 25A, 25B, and 25D—1 beaver per day; 1 in possession	June 11–Aug. 31.
Units 25A, 25B, and 25D—no limit	Sep. 1–June 10.
Unit 25C	No open season.
Coyote: 10 coyotes	Aug. 10–Apr. 30.
Fox, red (including cross, black, and silver phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sep. 1–Mar. 15.
Hare, snowshoe: No limit	July 1–June 30.
Lynx:	
Unit 25C—2 lynx	Dec. 1–Jan. 31.
Unit 25, remainder—2 lynx	Nov. 1–Feb. 28.
Muskrat:	
Units 25B and 25C, that portion within Yukon-Charley Rivers National Preserve—No limit	Nov. 1–June 10.
Unit 25, remainder	No open season.
Wolf:	
Unit 25A—No limit	Aug. 10–Apr. 30.
Unit 25, remainder—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sep. 1–Mar. 31.
Grouse (spruce, ruffed, and sharp-tailed):	
Unit 25C—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25, remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (rock and willow):	
Unit 25C, those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 25, remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 25C—No limit	Nov. 1–Apr. 15.
Unit 25, remainder—50 beavers	Nov. 1–Apr. 15.
Coyote: No limit	Oct. 1–Apr. 30.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Feb. 28.
Fox, Arctic: No limit	Nov. 1–last day of Feb.
Lynx: No limit	Nov. 1–Mar. 31.
Marten:	
Unit 25B—No limit	Nov. 1–Mar. 15.
Unit 25, remainder—No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.

TABLE 25 TO PARAGRAPH (n)(25)—Continued

Harvest limits	Open season
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine:	
Unit 25C—No limit	Nov. 1–Mar. 31.
Unit 25, remainder—No limit	Nov. 1–Mar. 31.

(26) * * *

TABLE 26 TO PARAGRAPH (n)(26)

Harvest limits	Open season
Hunting	
Bear, black: 3 bears	July 1–June 30.
Bear, brown:	
Unit 26A, that portion within Gates of the Arctic National Park—2 bear by State subsistence registration permit.	July 1–June 30.
Unit 26A remainder—1 bear by State subsistence registration permit	July 1–June 30.
Unit 26B—1 bear	Jan. 1–Dec. 31.
Unit 26C—1 bear	Aug. 10–June 30.
Caribou:	
Unit 26A—west of the Colville River drainage upstream from the Nuka River and drainages of the Chukchi Sea, south and west of and including the Kuk and Kugrua River drainages—15 caribou, only 1 may be a cow, by State registration permit as follows:	
Calves may not be taken.	
Bulls may be harvested	July 1–Oct. 14.; Dec. 6–June 30.
Cows may be harvested; however, cows accompanied by calves may not be taken July 16–Oct. 15	July 16–Mar. 15.
Unit 26A remainder—5 caribou per day by State registration permit as follows:	
Calves may not be taken.	
Bulls may be harvested	July 1–Oct. 15.; Dec. 6–June 30.
Up to 3 cows per day may be harvested; however, cows accompanied by calves may not be taken July 16–Oct. 15.	July 16–Mar. 15.
Unit 26B, that portion south of 69° 30′ N latitude and west of the Dalton Highway—5 caribou per day as follows:	
Bulls may be harvested	July 1–Oct. 14.; Dec. 10–June 30.
Cows may be harvested	July 1–Apr. 30.
Unit 26B remainder—5 caribou per day as follows:	
Bulls may be harvested	July 1–June 30.
Cows may be harvested	July 1–May 15.
Unit 26C—10 caribou per day	July 1–Apr. 30.
You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass.	
Sheep:	
Units 26A and 26B (Anaktuvuk Pass residents only), that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26A (excluding Anaktuvuk Pass residents), those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 26A, that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 sheep by Federal registration permit.	Season may be announced.
Unit 26B, that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl or larger horn by Federal registration permit only.	Aug. 10–Sep. 20.
Unit 26A, remainder and 26B, remainder, including the Gates of the Arctic National Preserve—1 ram with 7/8 curl or larger horn.	Aug. 10–Sep. 20.
Unit 26C—3 sheep per regulatory year; the Aug. 10–Sep. 20 season is restricted to 1 ram with 7/8 curl or larger horn. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sep. 20; Oct. 1–Apr. 30.
Moose:	
Unit 26A, that portion of the Colville River drainage upstream from and including the Anaktuvuk River drainage—1 bull.	Aug. 1–Sep. 14.
Unit 26A, that portion of the Colville River drainage upstream from and including the Anaktuvuk River drainage—1 moose; however, you may not take a calf or a cow accompanied by a calf.	Feb. 15–Apr. 15.
Unit 26A, that portion west of the eastern shore of Admiralty Bay where the Alaktak River enters, following the Alaktak River to 155°00′ W longitude excluding the Colville River drainage—1 moose; however, you may not take a calf or a cow accompanied by a calf.	July 1–Sep. 14.
Unit 26A, remainder—1 bull	Aug. 1–Sep. 14.
Unit 26B, excluding the Canning River drainage—1 bull	Sep. 1–14.

TABLE 26 TO PARAGRAPH (n)(26)—Continued

Harvest limits	Open season
Units 26B, remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.	May be announced.
Musk ox:	
Unit 26A, that portion west of the eastern shore of Admiralty Bay where the Alaktak River enters, following the Alaktak River to 155°00′ W longitude south to the Unit 26A border—1 musk ox by Federal drawing permit.	Aug.1–Mar. 15.
Units 26A remainder and 26B	No open Federal season.
Unit 26C—1 musk ox by Federal registration permit only	May be announced between July 15–Mar. 31.
Federal public lands are closed to the taking of musk ox, except by federally qualified subsistence users hunting under these regulations.	
Coyote: 2 coyotes	Sep. 1–Apr. 30.
Fox, Arctic (blue and white phases): 2 foxes	Sep. 1–Apr. 30.
Fox, red (including cross, black, and silver phases):	
Units 26A and 26B—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sep. 1–Mar. 15.
Unit 26C—10 foxes	Nov. 1–Apr. 15.
Hare (snowshoe and tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sep. 1–Mar. 31.
Ptarmigan (rock and willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (blue and white phases): No limit	Nov. 1–Apr. 15.
Fox, red (including cross, black, and silver phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

■ 5. Amend § ____.27 by adding paragraph (e)(13)(xxiii) to read as follows:

§ ____.27 Subsistence taking of fish.

* * * * *

(e) * * *

(13) * * *

(xxiii) Federal public waters throughout District 1 are closed to the harvest of Eulachon except by federally qualified subsistence users harvesting in the Unuk River.

Troy Finnegan,

Deputy Assistant Secretary, Exercising the Delegated Authority of the Assistant Secretary—Policy, Management and Budget.

Michael K. Boren,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2026–21849 Filed 10–26–26; 8:45 am]

BILLING CODE 3411–15–P; 4334–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0067; RTID 0648–XG008]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2026 total allowable catch (TAC) of Pacific cod allocated to vessels using pot gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 23, 2026, through 2400 hours, A.l.t., December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Adam Zaleski, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 allocated to vessels using pot gear in the Western Regulatory Area of the GOA is 3,080 metric tons (mt) as established by the final 2026 and 2027 harvest specifications for groundfish in the GOA (91 FR 11902, March 11, 2026) and reallocations (91 FR 64807, October 13, 2026 and 91 FR 66531, October 21, 2026).

The Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2026 Pacific cod TAC allocated to vessels using pot gear in the Western Regulatory Area of the GOA will be or has been reached. Therefore, in accordance with § 679.20(d)(1)(i) and 679.20(d)(1)(ii)(B), the Regional Administrator is establishing a directed fishing allowance of 2,480 mt and is setting aside 0 mt as incidental catch because it is not necessary to support other anticipated groundfish fisheries. The Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Western Regulatory Area of the GOA to prevent exceeding this sector's annual allocation of Pacific cod TAC.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using pot gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on Pacific cod catch by vessels using pot gear in the Western Regulatory Area of the GOA only became available as of October 22, 2026.

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

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

Dated: October 23, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–21888 Filed 10–23–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 206
Tuesday, October 27, 2026

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2026–10627; Notice No. 25–898–SC]

Special Conditions: Embraer S.A. Model ERJ 190–400 Airplane; Embraer Enhanced Takeoff System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Embraer S.A. (Embraer) Model ERJ 190–400 series airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a functionality known as the Embraer Enhanced Takeoff System (E²TS). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before November 27, 2026.

ADDRESSES: Send comments identified by Docket No. FAA–2026–10627 using any of the following methods:

Federal eRegulations Portal: Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Troy Brown, Flight Performance and Human Factors Section, AIR–687, Certification Standards Division, Aircraft Certification Service, Federal Aviation Administration, 1801 S Airport Rd., Wichita, KS 67209–2190; telephone and fax 405–666–1050; email *troy.a.brown@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the proposed special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments, and will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these special conditions based on the comments received.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to *www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these proposed special conditions. Send submissions containing CBI to the individual listed in the For Further Information Contact section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Background

On December 5, 2021, Embraer applied for a change to Type Certificate No. A57NM to add a functionality known as E²TS in the Model ERJ 190–400 series airplane. The Embraer Model ERJ 190–400 series airplane is a twin-engine, transport category airplane with a maximum passenger capacity of 146, and a maximum takeoff weight of 135,584 pounds.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Embraer must show that the changes to the Embraer Model ERJ 190–400 series airplane continue to meet the applicable provisions of the regulations listed in Type Certificate No. A57NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Embraer Model ERJ 190–400 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate

for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Embraer Model ERJ 190–400 series airplane must comply with the exhaust emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with 14 CFR 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Embraer Model ERJ 190–400 series airplane will incorporate the following novel or unusual design feature:

The Embraer ERJ 190–400 airplane will have a functionality known as Embraer Enhanced Takeoff System (E^2TS), a function which automatically controls the airplane's pitch and bank angle without pilot input to the airplane controls.

Discussion

E^2TS is an autoflight function specifically designed to improve takeoff performance and enhance operational safety. It is engaged at the beginning of the takeoff roll, when the thrust levers are advanced to the takeoff go-around (TOGA) detent. Upon engagement, the airplane control in pitch—including the takeoff rotation maneuver and initial climb-out—will be automatically performed, without any pilot intervention. Control of the bank angle will also be automatically performed by E^2TS, maintaining wings level while the airplane is on the ground and the directional tracking when the airplane is in the air. During the ground run, the flight crew is responsible for maintaining runway centerline via manual directional control, with augmentation provided by the E^2TS to minimize heading deviations.

Once the airplane is airborne, E^2TS provides control using sideslip as the reference. If all engines are operating (AEO), zero sideslip is the reference; if one engine is inoperative (OEI), then the Best Beta is considered as the sideslip reference. It is noted that any flight crew intervention on the rudder pedal is summed with the rudder controls that are output by the E^2TS mode.

Takeoff performance requirements of 14 CFR part 25 require the ability to safely complete the takeoff or bring the airplane to a complete stop in a rejected takeoff. As written, the takeoff performance requirements presuppose manual flying with a human pilot onboard making certain decisions and taking action. In fact, paragraph 4.4.5.1 of AC 25–7D reads: ''The rotation speed, V_R, is intended to be the speed at which the pilot initiates action to raise the nose wheel(s) off the ground during the acceleration to V_2.'' The current regulations do not take into consideration that the takeoff rotation is being performed by an automatic system, not a human being.

These special conditions specifically address paragraphs 25.107(e)(3) and (e)(4), which deal with human pilot variability effects in flying the airplane (formerly called ''takeoff abuse tests''). That is, instead of considering the ''reasonably expected variations in service'' of the original rules, one should now consider ''maximum expected deviations'' due to sensor accuracy and system tolerances.

Furthermore, for E^2TS operation, V_R is the speed at which this system will perform the rotation, and the speed the pilot will use to monitor the automatic rotation. Determination of ''maximum expected deviations of V_R'' should reflect ''in-service'' variations and may be done using a combination of analyses, simulations, and certification flight tests, including, but not limited to, performance and handling qualities tests. Such analyses will result in a deviation that should ensure a level of safety equivalent to or higher than operational flights with conventional takeoffs (manual takeoff with pilot in the loop).

Lastly, to ensure consistency between flight test demonstrations and actual, in-service operations, compliance with 14 CFR 25.101 must be shown, especially paragraphs 25.101(d), (e), (f), and (h).

When demonstrating compliance with these special conditions, the following guidance applies:

- The FAA understands that the automatic rotation provided by E^2TS function is expected to reduce rotation variabilities as human piloting variabilities will not be present. Paragraph 25.107(e)(1)(iv) requires an airplane ''maximum practicable rate'' rotation maneuver. However, sensor inaccuracies and system tolerances will still be present and should be considered as residual variabilities. These residual variabilities should be evaluated in the operational envelope (considering weight, CG, thrust, altitude, temperature, and wind) in a manner that the V_{LOF}/V_{MU} required margins from 25.107(e)(1)(iv) can be met considering the maximum expected deviations on V_{LOF}.
- Any demonstrations required to show compliance to these special conditions should consider the operational envelope (*i.e.,* weight, CG, thrust, altitude, temperature, and winds) in a manner that the required margins on Airplane Flight Manual (AFM) takeoff distance can be met considering the maximum expected deviations. Performance testing should be executed in limited wind conditions and calculations should assume no wind gusts. Wind gusts need not be considered in demonstrations for compliance with these special conditions.

The proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these proposed special conditions are applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 40113, 44701, 44702, and 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer Model ERJ 190–400 series airplanes.

(a) In lieu of compliance with 25.107(e)(3), for automatic takeoff systems, the one-engine inoperative takeoff distance, accounting for the maximum expected deviation of V_R allowed by E^2TS, must not exceed the

corresponding AFM takeoff distance established in accordance with § 25.113(a)(1).

(b) In lieu of compliance with 25.107(e)(4), for automatic takeoff systems, accounting for the maximum expected deviation of V_R allowed by E^{2}TS, or in out-of-trim conditions, the all-engines-operating takeoff distance must not exceed the corresponding AFM takeoff distance, established in accordance with § 25.113(a), by more than 1%. Deviations of other parameters that might influence pitch rotation dynamics (*e.g.,* pitch angle, pitch rate) must be accounted for, unless the effect of such deviations on the takeoff distance is shown to be negligible.

(c) Operation of the E2TS function must not result in unsafe flight characteristics.

Issued in Des Moines, Washington, on October 7, 2026.

Paul R. Siegmund,

Manager, Transport Airplane and Turbine Engine Standards Branch, Certification Standards Division, Aircraft Certification Service.

[FR Doc. 2026–21907 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–11817; Project Identifier AD–2026–01020–E]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all CFM International, S.A. (CFM) Model CFM56–7B engines. This proposed AD was prompted by an event involving a CFM Model CFM56–7B26/3 engine where a fan blade separated and resulted in an engine in-flight shutdown (IFSD) with debris penetrating the fuselage, which caused a loss of pressurization and prompted an emergency descent. This proposed AD would require a visual inspection of the fan blades for findings considered not serviceable and, depending on the results of the inspection, replacement with a serviceable part and additional fan blade inspections. This proposed AD would also require sending the inspection results to CFM if any finding considered not serviceable is found. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 27, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail*: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–11817; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For CFM material identified in this proposed AD, contact CFM, GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7178; email: *alexei.t.marqueen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–11817; Project Identifier AD–2026–01020–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may revise this proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA received a report that a Boeing 737–800 Model airplane powered by CFM56–7B26/3 engines experienced a fan blade separation during flight that resulted in an engine IFSD with debris penetrating the fuselage, which caused a loss of pressurization and prompted an emergency descent. The manufacturer investigation into the root cause of the fan blade failure is ongoing, but preliminary investigation indicates deformation to the fan blades induced a localized vibratory response in the failed blade. This condition, if not addressed, could result in debris penetrating the fuselage and cause a loss of pressurization and prompt an emergency descent.

On April 17, 2018, a Southwest Airlines flight experienced a CFM56–7B engine failure due to a fractured fan blade that led to the engine inlet cowl

disintegrating and debris penetrating the fuselage. The FAA has received no factual information that indicates that the April 17, 2018 incident on a Southwest Airlines flight is related to the unsafe condition addressed by this proposed AD. It is noted here for completeness only.

The FAA is providing a 30-day comment period for this NPRM instead of the standard 45-day comment period. This shortened timeframe is necessary to align the effective implementation of this safety action with the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, and in consideration of the recent in-service engine event. The FAA has determined that a 30-day comment period provides sufficient opportunity for public input while ensuring harmonization with EASA.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed CFM Service Bulletin CFM56–7B S/B 72–1119, dated September 8, 2026, which specifies procedures for visual inspection of the fan blades for findings considered not serviceable (cracks, tears, tip curls, local distortion on leading edge), and additional inspections of adjacent (forward looking aft) fan blades. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

This proposed AD would require a visual inspection of the fan blades for findings considered not serviceable (cracks, tears, tip curls, local distortion on leading edge) and, depending on the results of the inspection, replacement with a serviceable part and additional fan blade inspections. This proposed AD would also require sending the inspection results to CFM if any unserviceable finding is found.

Interim Action

This AD is considered to be interim action. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the fan blade failure, and eventually allow the manufacturer to develop final action to address the unsafe condition. Once final action has been identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 3,450 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visually inspect fan blades	1 work-hour × $85 per hour = $85	$0	$85	$293,250

The FAA estimates the following costs to do any necessary replacements and additional inspections that would be required based on the results of the proposed inspection. The agency has no way of determining the number of engines that might need these replacements and additional inspections:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Remove and replace fan blade	1 work-hour × $85 per hour = $85	$51,400	$51,485
Inspect adjacent fan blade	2 work-hours × $85 per hour = $170	0	170
Report inspection results	1 work-hour × $85 per hour = $85	0	85

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order

13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International, S.A.: Docket No. FAA–2026–11817; Project Identifier AD–2026–01020–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 27, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all CFM International, S.A. (CFM) Model CFM56–7B20, CFM56–7B20/2, CFM56–7B20/3, CFM56–7B20E, CFM56–7B22, CFM56–7B22/2, CFM56–7B22/3, CFM56–7B22/3B1, CFM56–7B22/B1, CFM56–7B22E, CFM56–7B22E/B1, CFM56–7B24, CFM56–7B24/2, CFM56–7B24/3, CFM56–7B24/3B1, CFM56–7B24/B1, CFM56–7B24E, CFM56–7B24E/B1, CFM56–7B26, CFM56–7B26/2, CFM56–7B26/3, CFM56–7B26/3B1, CFM56–7B26/3B2, CFM56–7B26/3B2F, CFM56–7B26/3F, CFM56–7B26/B1, CFM56–7B26/B2, CFM56–7B26E, CFM56–7B26E/B1, CFM56–7B26E/B2, CFM56–7B26E/B2F, CFM56–7B26E/F, CFM56–7B27, CFM56–7B27/2, CFM56–7B27/3, CFM56–7B27/3B1, CFM56–7B27/3B1F, CFM56–7B27/3B3, CFM56–7B27/3F, CFM56–7B27/B1, CFM56–7B27/B3, CFM56–7B27A, CFM56–7B27A/3, CFM56–7B27AE, CFM56–7B27E, CFM56–7B27E/B1, CFM56–7B27E/B1F, CFM56–7B27E/B3, and CFM56–7B27E/F engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by an event involving a CFM Model CFM56–7B26/3 engine, which experienced a fan blade separation that resulted in an in-flight engine shutdown and debris penetrating the fuselage, causing a loss of pressurization and prompting an emergency descent. The FAA is issuing this AD to prevent failure of the fan blade. The unsafe condition, if not addressed, could result in debris penetrating the fuselage and cause a loss of pressurization and prompt an emergency descent.

(f) Compliance

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

(g) Definition

For the purpose of this AD, a ''serviceable fan blade'' is a new, zero-hour fan blade or a fan blade that has passed the inspections required by paragraph (h)(1) of this AD.

(h) Required Actions

(1) Perform a visual inspection of the fan blades in accordance with the Accomplishment Instructions, paragraph 3.C., of CFM Service Bulletin (SB) CFM56–7B S/B 72–1119, dated September 8, 2026 (CFM56–7B S/B 72–1119), as follows:

(i) For engines installed on aircraft as of the effective date of this AD, within 400 flight cycles or within 90 days after the effective date of this AD, whichever occurs first.

(ii) For engines not installed on aircraft as of the effective date of this AD, before further flight.

(2) If any findings considered not serviceable are detected, before further flight, do the following:

(i) Remove the fan blade from service and replace with a serviceable fan blade.

(ii) Perform an inspection of the adjacent clockwise (forward looking aft) fan blade for findings considered not serviceable in accordance with the Accomplishment Instructions, paragraph 3.D.(2), of CFM56–7B S/B 72–1119.

(iii) If any unserviceable finding is found during the inspection required by paragraph (h)(2)(ii) of this AD, before further flight, remove the fan blade from service and replace with a serviceable fan blade.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed prior to the effective date of this AD using the material identified in, and meeting the applicable conditions specified in, paragraphs (i)(1) through (3) of this AD.

(1) Credit is allowed for the actions required by paragraph (h) of this AD if an engine shop manual piece-part inspection was performed on each fan blade in the set within 100 flight cycles prior to the effective date of this AD; or

(2) Credit is allowed if the actions required by paragraph (h) of this AD were performed within 100 flight cycles prior to the effective date of this AD using CFM SB CFM56–7B S/B 72–1033, Revision 3, dated November 6, 2018; CFM56–7B S/B 72–1033, Revision 4, dated September 12, 2019; CFM56–7B S/B 72–1033, Revision 5, dated July 28, 2026; or CFM56–7B S/B 72–1033, Revision 6, dated August 14, 2026; or

(3) Credit is allowed if the actions required by paragraph (h) of this AD were performed using CFM SB CFM56–7B S/B 72–1118, dated June 1, 2026.

(j) Reporting Requirement

Report the results of the inspections required by paragraph (h) of this AD to CFM within 30 days after the inspection or within 30 days after the effective date of this AD, whichever occurs later, in accordance with the Accomplishment Instructions, paragraph 3.D.(3), of CFM56–7B S/B 72–1119.

(k) Alternative Methods of Compliance (AMOCs)

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

(l) Additional Information

(1) For more information about this AD, contact Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7178; email: *alexei.t.marqueen@faa.gov.*

(2) For material identified in this AD that is not incorporated by reference, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*

(m) Material Incorporated by Reference

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

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

(i) CFM Service Bulletin CFM56–7B S/B 72–1119, dated September 8, 2026.

(ii) [Reserved]

(3) For CFM material identified in this AD, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877)

432–3272; email: *aviation.fleetsupport@ge.com.*

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

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

Issued on October 22, 2026.

Brian Knaup,

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

[FR Doc. 2026–21852 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0941]

RIN 1625–AA00

Safety Zone; Southern California Annual Firework Events for the Los Angeles-Long Beach Captain of the Port Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the Southern California Firework Events for Los Angeles-Long Beach Captain of the Port Zone Annual Safety Zones. The Coast Guard proposes eight new events to be added, thirteen events to be updated, and two events removed. The safety zones are needed to protect waterways users and keep them clear of potentially harmful debris within the fallout zone. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless specifically authorized by the Captain of the Port Los Angeles-Long Beach. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before November 27, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0941.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact LCDR Anthony Solares, U.S. Coast Guard Sector Los Angeles-Long Beach; telephone (310) 521–3861, email *Anthony.I.Solares@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

Every year, Coast Guard Sector Los Angeles-Long Beach receives multiple marine event permit applications from sponsors hosting annual fireworks displays for the Fourth of July and New Year's Eve. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Los Angeles-Long Beach (COTP) has determined that potential hazards associated with fireworks are a safety concern for anyone within a 100-foot radius during the loading and transit of pyrotechnics aboard launch barges. Upon the commencement of the fireworks displays, the safety concern increases to anyone within a 500 to 1,000-foot radius, or a designated distance from the launch site. Therefore, the COTP is proposing to amend this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

III. Discussion of the Rule

This proposed rule would add eight new events, update thirteen existing events, and remove two events in 33 CFR 165.1125, Table 1, Southern California Annual Firework Events for the Los Angeles-Long Beach Captain of the Port zone.

The following events would be added to 33 CFR 165.1125, Table 1:

''Newport Beach, CA—4th of July—Fireworks,'' ''Two Harbors, Catalina Island, CA—4th of July—Fireworks,'' ''Bel Air Bay, Pacific Palisades,—4th of July—Fireworks,'' ''Los Alamitos Bay, CA—4th of July—Fireworks,'' ''Three Arch Bay, South Laguna, CA—4th of July—Fireworks,'' would each establish a recurring safety zone during the first week of July, with a maximum radius of 1,000-feet around a fireworks barge.

The ''Port of Los Angeles—4th of July—Fireworks'' event would establish a recurring safety zone during the last week of June or first week in July, with a maximum radius of 1,000-feet around a fireworks barge. The ''Port of Long Beach, CA—NYE—Fireworks'' event would establish a recurring safety zone during the last week of December, with a maximum radius of 500-feet around a land-based shoot location. The ''Santa Barbara Harbor, CA—Holiday Fireworks'' event would establish a recurring safety zone during the last week of December, with a regulated area encompassing a specific portion Santa Barbara Harbor and East Beach, Santa Barbara. The addition of these events is necessary to protect personnel, vessels, and the marine environment during recurring events in the Los Angeles-Long Beach Captain of the Port Zone, not currently listed in 33 CFR 165.1125, Table 1.

The following events would be updated in 33 CFR 165.1125, Table 1:

- The ''LA County Dept of Beach and Harbors 4th of July Fireworks'' would be renamed to the ''Marina Del Rey, CA—4th of July Fireworks;''
- The ''Fourth of July Fireworks, City of Dana Point'' would be renamed to the ''Dana Point, CA—4th of July—Fireworks;''
- The ''Fourth of July Fireworks, City of Long Beach'' would be renamed to ''Port of Long Beach, CA—4th of July—Fireworks;''
- The ''Fourth of July Fireworks, Irvine Cove Community Association'' would be renamed to the ''Irvine Cove, CA—4th of July—Fireworks;''
- The ''Fourth of July Fireworks, Emerald Bay Community Association'' would be renamed to the ''Emerald Bay, CA—4th of July—Fireworks;''
- The ''Fourth of July Fireworks, Morro Bay CoC'' would be renamed to the ''Morro Bay, CA—4th of July—Fireworks;''
- The ''Fourth of July Fireworks, Catalina Island CoC'' would be renamed to the ''Avalon Bay, Catalina Island, CA—4th of July—Fireworks;''
- The ''Fourth of July Fireworks, City of Redondo Beach'' would be renamed to the ''Redondo Beach, CA—4th of July—Fireworks,''
- The ''Fourth of July Fireworks, City of San Pedro'' would be renamed to the ''San Pedro, CA—4th of July—Fireworks;'' and
- The ''Fourth of July Fireworks, City of Cayucos'' would be renamed to the ''Cayucos, CA—4th of July—Fireworks.''

The effective date of safety zone enforcement for these events would also be updated from ''July 4th'' to the ''First week in July.''

The ''Fourth of July Fireworks, City of Santa Barbara'' would be renamed to Santa Barbara, CA—4th of July—Fireworks,'' with the effective date of safety zone enforcement changed from ''July 4th'' to the ''First week in July,''

and the regulated area changed from a 1,000-foot maximum radius around a fireworks barge, to a specific set of coordinates encompassing Santa Barbara Harbor and East Beach, CA. The ''Holiday Fireworks, Los Angeles County'' event would be renamed to the ''Marina Del Rey, CA—Holiday—Fireworks,'' with the regulated area changed from a 1,000-foot radius around a specific set of coordinates, to a ''1,000-foot radius around the firework display located on the Marina Del Rey South Jetty.'' The ''The New Years Eve Fireworks, Los Angeles County'' event would be renamed to ''Marina Del Rey, CA—NYE—Fireworks,'' with the regulated area changed from a 1,000-foot radius around a specific set of coordinates to a ''1,000-foot radius around the firework display located on the Marina Del Rey South Jetty.'' These updates are needed to better align safety zone enforcement with event names and sponsors and allow for flexibility should event dates or locations change.

This proposed rule would also remove the ''Cambria American Legion Post Fourth of July Fireworks'' and ''Fourth of July Fireworks, City of Faria'' events from 33 CFR 165.1125, Table 1. These events have not taken place within the previous 5 years, and enforcement of the associated safety zones is no longer necessary.

No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic will be able to safely transit around this regulated area. This regulation will only impact a small area for a few hours. The enforcement period is during a time when vessel traffic is normally low. In addition, the Coast Guard will publish the events in the Local Notice to Mariners and issue a Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

This proposed rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2026–0941 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In § 165.1125, replace Table 1 as follows:

§ 165.1125 Southern California Annual Firework Events for the Los Angeles Long Beach Captain of the Port zone.

1. Newport Beach, CA—4th of July—Fireworks	
Sponsor	Caruso Affiliated Holdings—GFM, LLC.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Newport Beach, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.
2. Marina Del Rey, CA—4th of July—Fireworks	
Sponsor	Los Angeles, CA County Dept of Beach and Harbors.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Main Ship Channel of Marina Del Rey, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.
3. Dana Point, CA—4th of July—Fireworks	
Sponsor	City of Dana Point, CA.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Offshore Dana Point Harbor, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.
4. Port of Long Beach, CA—4th of July—Fireworks	
Sponsor	City of Long Beach, CA.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Long Beach Harbor, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.
5. Irvine Cove, CA—4th of July—Fireworks	
Sponsor	Irvine Cove Community Association.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Offshore Laguna Beach, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.
6. Emerald Bay, CA—4th of July—Fireworks	
Sponsor	Emerald Bay Community Association.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Offshore Laguna Beach, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.
7. Morro Bay, CA—4th of July—Fireworks	
Sponsor	Morro Bay Chamber of Commerce.
Event Description	Fireworks Display.
Date:	First week of July.
Location:	Offshore Morro Bay State Park.

Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

8. Avalon Bay, Catalina Island, CA—4th of July—Fireworks

Sponsor	Catalina Island Chamber of Commerce.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Avalon Bay, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

9. Santa Barbara, CA—4th of July—Fireworks

Sponsor	City of Santa Barbara, CA.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Harbor Entrance of Santa Barbara, CA.
Regulated Area	All waters of Santa Barbara Harbor Entrance & off West Beach, from surface to bottom, encompassed by a line connecting the following points beginning at 34°24′26″ N, 119°41′27″ W, thence to 34°24′28″ N, 119°41′15″ W, thence to 34°24′17″ N, 119°41′15″ W, thence to 34°24′29″ N, 119°41′06″ W, thence to 34°24′40″ N, 119°41′17″ W and along the shoreline back to the beginning point.

10. Two Harbors, Catalina Island, CA—4th of July—Fireworks

Sponsor	Catalina Island Co.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Two Harbors at Catalina Island, North of Isthmus Cove.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

11. Redondo Beach, CA—4th of July—Fireworks

Sponsor	City of Redondo Beach.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Offshore Redondo Beach, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

12. San Pedro, CA—4th of July—Fireworks

Sponsor	City of San Pedro.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Offshore Cabrillo Beach, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

13. Cayucos, CA—4th of July—Fireworks

Sponsor	City of Cayucos.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Offshore Faria Beach, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

14. Marina Del Rey, CA—Holiday—Fireworks

Sponsor	Los Angeles County, CA.
Event Description	Fireworks Display.
Date:	Second weekend in December.
Location:	Marina Del Rey, CA.
Regulated Area	1,000-foot radius around the firework display located on the Marina Del Rey South Jetty.

15. Marina Del Rey, CA—NYE—Fireworks

Sponsor	Los Angeles County, CA.
Event Description	Fireworks Display.
Date:	December 31st.
Location:	Marina Del Rey, CA.
Regulated Area	1,000-foot radius around the firework display located on the Marina Del Rey South Jetty.

16. Port of Long Beach, CA—NYE Fireworks

Sponsor	Queen Mary.
Event Description	Fireworks Display.
Date:	Last week in December.
Location:	Port of Long Beach, CA.

Regulated Area	100-foot radius around the Carnival Cruise Terminal Pier fireworks launch display during the loading of pyrotechnics. Increases to a 500-foot radius upon commencement of the fireworks display.

17. Santa Barbara Harbor, CA—Holiday Fireworks

Sponsor	City of Santa Barbara.
Event Description	Fireworks Display.
Date:	One week in December.
Location:	Santa Barbara Harbor, CA.
Regulated Area	All waters of Santa Barbara Harbor Entrance & off West Beach, from surface to bottom, encompassed by a line connecting the following points beginning at 34°24′26″ N, 119°41′27″ W, thence to 34°24′28″ N, 119°41′15″ W, thence to 34°24′17″ N, 119°41′15″ W, thence to 34°24′29″ N, 119°41′06″ W, thence to 34°24′40″ N, 119°41′17″ W and along the shoreline back to the beginning point.

18. Bel Air Bay, Pacific Palisades,—4th of July—Fireworks

Sponsor	Bel Air Bay Club Pacific Palisades.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Bel Air Bay, Pacific Palisades, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

19. Los Alamitos Bay, CA—4th of July—Fireworks

Sponsor	Boys and Girls Club of Long Beach.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Los Alamitos Bay, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

20. Three Arch Bay, South Laguna, CA—4th of July—Fireworks

Sponsor	Three Arch Bay Association.
Event Description	Fireworks Display.
Date:	First week in July.
Location:	Three Arch Bay, South Laguna, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

21. Port of Los Angeles, CA—4th of July—Fireworks

Sponsor	Port of Los Angeles—Cars & Stripes Forever.
Event Description	Fireworks Display.
Date:	Last week of June or First week in July.
Location:	Port of Los Angeles, CA.
Regulated Area	100-foot radius around the fireworks launch barge during the loading of pyrotechnics aboard the fireworks barge and during the transit of the fireworks barge from the loading location to the display location. Increases to a 1,000-foot radius upon commencement of the fireworks display.

* * * * *

S.L. Crecy,

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

[FR Doc. 2026–21918 Filed 10–26–26; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 91, No. 206
Tuesday, October 27, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket #: RBS–26–NONE–0562]

Notice of Funding Opportunity for the Strengthening Processing for US Ranchers (SPUR) Guaranteed Loan Program for Fiscal Year 2027 and Guarantee Fee Rates/Loan Guarantee Percentage and Fee for Issuance of Loan Note Guarantee Prior to Construction Completion

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBCS or Agency), an agency of the United States Department of Agriculture (USDA) Rural Development mission area (RD) announces the acceptance of guaranteed loan applications under the Strengthening Processing for US Ranchers (SPUR) Guaranteed Loan Program. This notice provides applicants with the Guarantee Fee rates, Loan Guarantee percentage, the Periodic Retention Fee, and Fee for Issuance of the Loan Note Guarantee Prior to Construction Completion for Fiscal Year (FY) 2027, to be used when applying for guaranteed loans under the SPUR Guaranteed Loan Program. Should the fees need to be adjusted, the Agency will publish a subsequent notice in the **Federal Register**. These guaranteed funds will be made available to eligible lenders to make loans to eligible borrowers seeking to support a range of activities to increase and diversify the processing capacity of American Meat, Poultry, and Seafood. USDA is also making funding available for technical assistance through providers who are experts in the fields of meat, poultry, and seafood processing, and business planning.

DATES: Completed applications may be submitted beginning October 27, 2026. Applications will be accepted until funds are exhausted. The fees in this notice are effective October 1, 2027.

ADDRESSES: Full funding notice is available on Rural Development's website. Program guidance and application forms may be obtained at *www.rd.usda.gov.* Entities wishing to apply for assistance may download the application documents and requirements delineated in this notice from: *rd.usda.gov/onerdguarantee.* Applications will only be accepted electronically.

Applicants are encouraged to contact their respective RD State Office for an email contact to submit an electronic application. A list of the USDA RD State Office contacts can be found at: *rd.usda.gov/about-rd/state-offices.*

FOR FURTHER INFORMATION CONTACT: For information specific to this notice contact Brian Wiles, Director of the Program Processing Division, Rural Business Cooperative Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Stop 3201, Washington, DC 20250, *brian.wiles@usda.gov* or 202–720–4053.

SUPPLEMENTARY INFORMATION: The full text of the Notice of Funding Opportunity (NOFO) is available on the Agency website.

Section 1001(b)(4) of the American Rescue Plan Act (Pub. L. 117–2) authorizes the Secretary of Agriculture to '' . . . make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency.'' Given this authority, and appropriation provided for this purpose in Section 1001, Paragraph (a), at least $5 billion in loan level is being made available for the SPUR Guaranteed Loan Program beginning in FY 2027. SPUR is designed and implemented in a manner similar to the Business and Industry (B&I) Guaranteed loan program with minor changes to meet the needs of the American beef industry and ranchers, and guaranteed loans made under this program are administered under 7 CFR part 5001 (OneRD Guaranteed Loan Program), as amended or supplemented by the NOFO.

The primary purpose of SPUR is to support the American Meat, Poultry, and Seafood Processing Industries by increasing processing capacity and promoting more competition in the sector, which is particularly vulnerable to disruption, consolidation, and concentration. SPUR funds will help the American protein processing industries diversify the Meat, Poultry, and Seafood supply chains and open local market opportunities. The intent is to diversify processing with value-added streams of business to increase resiliency and sustainability.

SPUR will provide financial assistance through loan guarantees designed to facilitate access to affordable capital through lenders providing loans to entities seeking to establish, reopen, retrofit, expand, or improve a Meat, Poultry, or Seafood Processing facility in America's rural or urban areas, as there are no geographic restrictions for the program.

As set forth in 7 CFR part 5001, the Agency is authorized to charge a guarantee fee, a periodic guarantee retention fee, a fee for the issuance of the loan note guarantee prior to construction completion and establish a loan guarantee percentage for guaranteed loans made under this rule. The guaranteed loan guarantee fee, annual guarantee service fee, and fee for the issuance of the Loan Note Guarantee prior to completion of construction will correspond to the fees in effect for the Business & Industry (B&I) Guaranteed Loan Program under OneRD. The lender must hold a minimum of 10 percent of the total loan amount. Pursuant to this and other applicable authority, and subject to the current appropriated authority, the Agency is establishing the following for FY 2027:

Loan type	Guarantee fee	Periodic guarantee retention fee	Loan guarantee percentage	Fee for issuance of loan note guarantee prior to construction completion
SPUR	3%	0.55%	90	0.5%

Gimmie Jansonius,
Administrator, Rural Business-Cooperative Service, USDA.

[FR Doc. 2026–21858 Filed 10–23–26; 4:15 pm]
BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Notice of Publication of U.S. Resources Management Industry Listing and Opportunity To Apply for the Listing

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The International Trade Administration (ITA) announces the launch of the U.S. Resources Management Industry Listing (RMIL), or ''industry listing.'' The RMIL is intended to identify U.S. companies operating in water and wastewater treatment; waste management and recycling, including critical minerals recycling; air quality measuring, monitoring and control; monitoring and instrumentation; weather and forecasting; and other resources management sectors for informational, engagement, and policy support purposes. The RMIL will provide a platform for U.S. companies to market their products and services, raising their visibility with international buyers seeking to purchase U.S. resources management solutions. The RMIL supports ITA's efforts to promote American technologies and services to overseas partners and position U.S. companies to compete for international project opportunities. Eligible companies may now apply to be listed in the RMIL. The industry listing will be published online and will be maintained by the International Trade Administration's Office of Energy and Environmental Industries.

DATES: Applications to be listed in the RMIL are now being accepted. To be included in the initial launch, companies should submit a complete application by December 11, 2026. Applications received after that date will be accepted and reviewed on a rolling basis.

ITA anticipates launching the RMIL in February 2027 and will thereafter update the listing and add new industry profiles on a rolling basis. Only companies that submit complete applications will be considered for the listing.

ADDRESSES: Additional information and the application form are available at *https://www.trade.gov/us-resources-management-industry-listing-application.*

FOR FURTHER INFORMATION CONTACT: Natural Resources Team, Office of Energy and Environmental Industries, International Trade Administration; email: *envirotech@trade.gov.*

SUPPLEMENTARY INFORMATION: The RMIL will include manufacturers and service providers across the water and wastewater treatment, waste management and recycling, air quality measurement, monitoring and control, monitoring and instrumentation, weather and forecasting, and other resources management sectors. Together, these industries provide essential equipment, machinery, components, and services that support the buildout of critical infrastructure and enable efficient, safe, and reliable manufacturing operations. The industry provides vital support to manufacturing sectors central to U.S. economic and national security, including water purification for semiconductor manufacturing, pharmaceuticals, food and beverage, and other industrial facilities; water efficiency and water reuse technologies for data centers; recycling equipment and processes for critical minerals recovery; and industrial air purification equipment for power and heavy manufacturing. The industry contributes approximately $37 billion in U.S. goods and services exports annually and supports approximately 1.9 million American jobs.

To promote the competitiveness of the U.S. exports and U.S. companies engaged in these sectors, the International Trade Administration is developing an industry listing that catalogs eligible firms providing resources management technologies and services. The listing aims to improve U.S. companies' visibility with potential foreign partners, generate business opportunities, and advance U.S. technological leadership. Listing benefits will range from showcasing a company's unique solutions, improving visibility to foreign buyers and investors through a free and publicly accessible resource, identifying prospective business partners, and deepening engagement with ITA and other U.S. federal government agencies.

Eligible companies include U.S. entities involved in the design, engineering, manufacturing, construction, operation, maintenance, or support of resources management solutions across the below sectors:

- Water and wastewater treatment;
- Waste management and recycling, including critical minerals recycling;
- Air quality measurement, monitoring and control;
- Monitoring and instrumentation;
- Weather and forecasting; and
- Other resources management sectors.

Applicants will be required to certify their sector(s) of coverage in the application form to demonstrate their qualifications for listing in the RMIL.

Note: The RMIL is intended to be a resource for U.S. exporters, manufacturers, and service providers. This listing is not comprehensive. Appearing in the RMIL does not imply endorsement or certification by the U.S. Government. The RMIL is not intended for U.S. Government procurement purposes. ITA strongly recommends RMIL users to perform their own due diligence investigation and background research on any company in the RMIL. ITA assumes no responsibility for the professional ability or integrity of the providers listed. ITA reserves the right not to list any particular company.

Selection Criteria

Eligible U.S. companies will be asked to make the following certifications in the application form in order to qualify for entry in the RMIL:

1. The company seeking listing is not majority-owned or controlled by a foreign government entity or foreign government entities;

2. The company seeking listing offers U.S. goods or services relevant to the resources management sector including water and wastewater treatment, waste management and recycling, air quality monitoring and control, monitoring and instrumentation, weather and forecasting, and other resources management sectors;

3. The goods or services of the company seeking listing are of U.S. origin or have at least 51% U.S. content by value;

4. The export of the goods, software, technology, and/or services of the company seeking listing would be undertaken in compliance with U.S. export control laws and regulations, including those administered by the U.S. Department of Commerce's Bureau of Industry and Security, and U.S. sanctions laws and regulations, including those maintained by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC);

5. Neither the company seeking listing nor any of its subsidiaries or affiliates are currently listed on any OFAC Specially Designated Nationals (SDN) list or other sanctions list maintained by the U.S. Government;

6. Neither the company seeking listing nor any of its subsidiaries or affiliates have been charged with, or convicted of, any civil or criminal violations of U.S.

export control or sanctions laws within the last 5 years; and

7. Neither the company seeking listing nor any of its subsidiaries or affiliates are currently identified as a party in pending litigation (including any administrative proceedings) involving the U.S. Department of Commerce.

Once the certifications above have been completed, an ITA industry specialist will review the application. This process can take several weeks to complete, and ITA personnel may reach out to the applicant's point of contact with questions or clarifications.

Companies will be notified of the results of the review process in advance of the publication of the RMIL. Before publication, ITA's industry specialists will work with each approved company to build out its profile on the RMIL, which may include details about the products and services the company offers as well as background or other information that the company chooses to include. ITA will publish the RMIL on its website once it has received and approved a minimum number of applications. ITA anticipates launching the first iteration of the listing in February 2027.

To ensure the RMIL remains accurate, ITA will ask all listed companies, via their designated point of contact, annually to certify that their information is up to date and confirm their desire to remain on the RMIL. Companies may request updates to their profiles on a rolling basis.

Dated: October 21, 2026.

Edward O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2026–21896 Filed 10–26–26; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Renewing Order Temporarily Denying Export Privileges

Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran

Pejman Mahmood Kosarayanifard), a/k/a Kosarian Fard, P.O. Box 52404, Dubai, United Arab Emirates;

Mahmoud Amini, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates

and

P.O. Box 52404, Dubai, United Arab Emirates

and

Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates;

Kerman Aviation, a/k/a GIE Kerman Aviation, 42 Avenue Montaigne 75008, Paris, France

Sirjanco Trading LLC, P.O. Box 8709, Dubai, United Arab Emirates,

Mahan Air General Trading LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates

Mehdi Bahrami, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey

Al Naser Airlines, a/k/a al-Naser Airlines, a/k/a Al Naser Wings Airline, a/k/a Alnaser Airlines and, Air Freight Ltd., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq

and

Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq,

and

P.O. Box 28360, Dubai, United Arab Emirates

and

P.O. Box 911399, Amman 11191, Jordan,

Ali Abdullah Alhay, a/k/a Ali Alhay, a/k/a Ali Abdullah Ahmed Alhay, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq

and

Anak Street, Qatif, Saudi Arabia 61177, Bahar Safwa General Trading, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates,

and

P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates, Sky

Blue Bird Group, a/k/a Sky Blue Bird Aviation, a/k/a Sky Blue Bird Ltd., a/k/a Sky Blue Bird FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates

Issam Shammout, a/k/a Muhammad Isam Muhammad, Anwar Nur Shammout, a/k/a Issam Anwar, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria

and

Al Kolaa, Beirut, Lebanon 151515

and

17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom

and

Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No. 14/A Silivri, Istanbul, Turkey

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (2025) (''EAR'' or ''the Regulations''), I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the temporary denial order issued in this matter on October 27, 2025. I find that renewal of this order, as modified, is necessary in the public interest to prevent an imminent violation of the Regulations and that renewal for an extended period is appropriate because Mahan Airways has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR.[1]

I. Procedural History

On March 17, 2008, the then-Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary'') signed an order denying Mahan Airways' export privileges for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order also named as denied persons Blue Airways, of Yerevan, Armenia (''Blue Airways of Armenia''), as well as the ''Balli Group Respondents,'' namely, Balli Group PLC, Balli Aviation, Balli Holdings, two of its officers, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., Blue Sky Four Ltd., Blue Sky Five Ltd., and Blue Sky Six Ltd., all of the United Kingdom. The order was issued *ex parte* pursuant to Section 766.24(a) of the Regulations, and went into effect on March 21, 2008, the date it was published in the **Federal Register**.

This temporary denial order (''TDO'') was renewed in accordance with Section 766.24(d) of the Regulations.[2]

[1] On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). Section 4820(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

[2] Section 766.24(d) provides that BIS may seek renewal of a temporary denial order for additional 180-day renewal periods, if it believes that renewal is necessary in the public interest to prevent an imminent violation. In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year. Renewal requests are to be made in writing no later than 20 days before the scheduled expiration date of a temporary denial order. Renewal requests may include discussion of any additional or changed circumstances, and may seek appropriate modifications to the order, including the addition of parties as respondents or related persons, or the removal of parties previously added as respondents or related persons. BIS is not required to seek renewal as to all parties, and a removal of a party can be effected if, without more, BIS does not seek renewal as to that party. Any party included or added to a temporary denial order as a respondent may oppose a renewal request as set forth in Section 766.24(d). Parties included or added as related persons can at any time appeal their inclusion as a related person, but cannot challenge the underlying temporary denial order, either as initially issued or subsequently renewed,

Subsequent renewals also have issued pursuant to Section 766.24(d), including most recently on October 27, 2025.[3] Some of the renewal orders and the modification orders that have issued between renewals have added certain parties as respondents or as related persons, or effected the removal of certain parties.[4]

The September 11, 2009 renewal order continued the denial order as to Mahan Airways, but not as to the Balli Group Respondents or Blue Airways of Armenia.[5] As part of the February 25, 2011 renewal order, Pejman Mahmood Kosarayanifard (a/k/a Kosarian Fard), Mahmoud Amini, and Gatewick LLC (a/k/a Gatewick Freight and Cargo Services, a/k/a Gatewick Aviation Services) were added as related persons to prevent evasion of the TDO.[6] A modification order issued on July 1, 2011, adding Zarand Aviation as a respondent in order to prevent an imminent violation.[7]

As part of the August 24, 2011 renewal, Kerman Aviation, Sirjanco Trading LLC, and Ali Eslamian were added as related persons. Mahan Air General Trading LLC, Equipco (UK) Ltd., and Skyco (UK) Ltd. were added as related persons by a modification order issued on April 9, 2012. Mehdi Bahrami was added as a related person as part of the February 4, 2013 renewal order.

On May 21, 2015, a modification order was issued adding Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as respondents. As detailed in that order and discussed further *infra,* these respondents were added to the TDO based upon evidence that they were acting together to, *inter alia,* obtain aircraft subject to the Regulations for export or reexport to Mahan in violation of the Regulations and the TDO. Sky Blue Bird Group and its chief executive officer, Issam Shammout, were added as related persons as part of the July 13, 2015 renewal order.[8] On November 16, 2017, a modification order issued to remove Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd. as related persons following a request by OEE for their removal.[9]

The December 11, 2018 renewal order continued the denial of the export privileges of Mahan Airways, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Al Naser Airlines, Ali Abdullah Alhay, Bahar Safwa General Trading, Sky Blue Bird Group, and Issam Shammout.

On September 8, 2026, BIS, through OEE, submitted a written request for renewal of the TDO that issued on October 27, 2025. The written request was made more than 20 days before the TDO's scheduled expiration. Notice of the renewal request was provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received. Furthermore, no appeal of the related person determinations made as part of the September 3, 2010, February 25, 2011, August 24, 2011, April 9, 2012, February 4, 2013, and July 13, 2015 renewal or modification orders has been made by Kosarian Fard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, or Issam Shammout.[10]

II. Renewal of the TDO

A. Legal Standard

Pursuant to Section 766.24, BIS may issue or renew an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent [.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

and cannot oppose a renewal request. *See also* note 4, *infra.*

[3] The October 27, 2024 renewal order was effective upon issuance and published in the **Federal Register** on October 31, 2025 (90 FR 48938). Prior renewal orders issued on September 17, 2008, March 16, 2009, September 11, 2009, March 9, 2010, September 3, 2010, February 25, 2011, August 24, 2011, February 15, 2012, August 9, 2012, February 4, 2013, July 31, 2013, January 24, 2014, July 22, 2014, January 16, 2015, July 13, 2015, January 7, 2016, July 7, 2016, December 30, 2016, June 27, 2017, December 20, 2017, June 14, 2018, December 11, 2018, June 5, 2019, May 29, 2020, November 24, 2020, May 21, 2021, November 17, 2021, May 13, 2022, November 8, 2022, May 5, 2023, October 31, 2024, October 29, 2024, and October 27, 2025, respectively. The August 24, 2011 renewal followed the issuance of a modification order that issued on July 1, 2011, to add Zarand Aviation as a respondent. The July 13, 2015 renewal followed a modification order that issued May 21, 2015, and added Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as respondents. Each of the renewal orders and each of the modification orders referenced in this footnote or elsewhere in this order has been published in the **Federal Register**.

[4] Pursuant to Sections 766.23 and 766.24(c) of the Regulations, any person, firm, corporation, or business organization related to a denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may be added as a ''related person'' to a temporary denial order to prevent evasion of the order.

[5] Balli Group PLC and Balli Aviation settled proposed BIS administrative charges as part of a settlement agreement that was approved by a settlement order issued on February 5, 2010. The sanctions imposed pursuant to that settlement and order included, *inter alia,* a $15 million civil penalty and a requirement to conduct five external audits and submit related audit reports. The Balli Group Respondents also settled related charges with the Department of Justice and the Treasury Department's Office of Foreign Assets Control.

[6] *See* note 4, *supra,* concerning the addition of related persons to a temporary denial order. Kosarian Fard and Mahmoud Amini remain parties to the TDO. On August 13, 2014, BIS and Gatewick resolved administrative charges against Gatewick, including a charge for acting contrary to the terms of a BIS denial order (15 CFR 764.2(k)). In addition to the payment of a civil penalty, the settlement includes a seven-year denial order. The first two years of the denial period were active, with the remaining five years suspended conditioned upon Gatewick's full and timely payment of the civil penalty and its compliance with the Regulations during the seven-year denial order period. This denial order, in effect, superseded the TDO as to Gatewick, which was not included as part of the January 16, 2015 renewal order. The Gatewick LLC Final Order was published in the **Federal Register** on August 20, 2014. *See* 79 FR 49283 (Aug. 20, 2014).

[7] Zarand Aviation's export privileges remained denied until July 22, 2014, when it was not included as part of the renewal order issued on that date.

[8] The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') designated Sky Blue Bird and Issam Shammout as Specially Designated Global Terrorists (''SDGTs'') on May 21, 2015, pursuant to Executive Order 13224, for ''providing support to Iran's Mahan Air.'' *See* 80 FR 30762 (May 29, 2015).

[9] The November 16, 2017 modification was published in the **Federal Register** on December 4, 2017. *See* 82 FR 57203 (Dec. 4, 2017). On September 28, 2017, BIS and Ali Eslamian resolved an administrative charge for acting contrary to the terms of the denial order (15 CFR 764.2(k)) that was based upon Eslamian's violation of the TDO after his addition to the TDO on August 24, 2011. Equipco (UK) Ltd. and Skyco (UK) Ltd., two companies owned and operated by Eslamian, also were parties to the settlement agreement and were added to the settlement order as related persons. In addition to other sanctions, the settlement provides that Eslamian, Equipco, and Skyco shall be subject to a conditionally suspended denial order for a period of four years from the date of the settlement order.

[10] A party named or added as a related person may not oppose the issuance or renewal of the underlying temporary denial order, but may file an appeal of the related person determination in accordance with Section 766.23(c). *See* also note 2, *supra.*

If BIS believes that renewal of a denial order is necessary in the public interest to prevent an imminent violation, it may file a written request for renewal, with any modifications if appropriate. 15 CFR 766.24(d)(1). The written request, which must be filed no later than 20 days prior to the TDO's expiration, should set forth the basis for BIS's belief that renewal is necessary, including any additional or changed circumstances. *Id.* ''In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year.'' [11] *Id.*

B. The TDO and BIS's Requests for Renewal

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO, and the renewal and modification orders subsequently issued in this matter, including the May 21, 2015 modification order and the renewal order issued on October 27, 2025, and the evidence developed over the course of this investigation, which indicate a disregard for U.S. export controls and the TDO. The initial TDO was issued as a result of evidence that showed that Mahan Airways and other parties engaged in conduct prohibited by the EAR by knowingly re-exporting to Iran three U.S.-origin aircraft, specifically Boeing 747s (''Aircraft 1–3''), items subject to the EAR and classified under Export Control Classification Number (''ECCN'') 9A991.b, without the required U.S. Government authorization. Further evidence submitted by BIS indicated that Mahan Airways was involved in the attempted re-export of three additional U.S.-origin Boeing 747s (''Aircraft 4–6'') to Iran.

As discussed in the September 17, 2008 renewal order, evidence presented by BIS indicated that Aircraft 1–3 continued to be flown on Mahan Airways' routes after issuance of the TDO, in violation of the Regulations and the TDO itself.[12] It also showed that Aircraft 1–3 had been flown in further violation of the Regulations and the TDO on the routes of Iran Air, an Iranian Government airline. Moreover, as discussed in the March 16, 2009, September 11, 2009 and March 9, 2010 renewal orders, Mahan Airways registered Aircraft 1–3 in Iran, obtained Iranian tail numbers for them (EP–MNA, EP–MNB, and EP–MNE, respectively), and continued to operate at least two of them in violation of the Regulations and the TDO,[13] while also committing an additional knowing and willful violation when it negotiated for and acquired an additional U.S.-origin aircraft. The additional acquired aircraft was an MD–82 aircraft, which subsequently was painted in Mahan Airways' livery and flown on multiple Mahan Airways' routes under tail number TC–TUA.

The March 9, 2010 renewal order also noted that a court in the United Kingdom (''U.K.'') had found Mahan Airways in contempt of court on February 1, 2010, for failing to comply with that court's December 21, 2009 and January 12, 2010 orders compelling Mahan Airways to remove the Boeing 747s from Iran and ground them in the Netherlands. Mahan Airways and the Balli Group Respondents had been litigating before the U.K. court concerning ownership and control of Aircraft 1–3. In a letter to the U.K. court dated January 12, 2010, Mahan Airways' Chairman indicated, *inter alia,* that Mahan Airways opposes U.S. Government actions against Iran, that it continued to operate the aircraft on its routes in and out of Tehran (and had 158,000 ''forward bookings'' for these aircraft), and that it wished to continue to do so and would pay damages if required by that court, rather than ground the aircraft.

The September 3, 2010 renewal order discussed the fact that Mahan Airways' violations of the TDO extended beyond operating U.S.-origin aircraft and attempting to acquire additional U.S.-origin aircraft. In February 2009, while subject to the TDO, Mahan Airways participated in the export of computer motherboards, items subject to the Regulations and designated as EAR99, from the United States to Iran, via the United Arab Emirates (''UAE''), in violation of both the TDO and the Regulations, by transporting and/or forwarding the computer motherboards from the UAE to Iran. Mahan Airways' violations were facilitated by Gatewick LLC, which not only participated in the transaction, but also confirmed to BIS that it acted as Mahan Airways' sole booking agent for cargo and freight forwarding services in the UAE.

Moreover, in a January 24, 2011 filing in the U.K. court, Mahan Airways asserted that Aircraft 1–3 were not being used, but stated in pertinent part that the aircraft were being maintained in Iran ''in an airworthy condition'' and that, depending on the outcome of its U.K. court appeal, the aircraft ''could immediately go back into service . . . on international routes into and out of Iran.'' Mahan Airways' January 24, 2011 submission to U.K. Court of Appeal, at p. 25, ¶¶ 108, 110. This clearly stated intent, both on its own and in conjunction with Mahan Airways' prior misconduct and statements, demonstrated the need to renew the TDO in order to prevent imminent future violations. Two of these three 747s subsequently were removed from Iran and are no longer in Mahan Airways' possession. The third of these 747s remained in Iran under Mahan's control. Pursuant to Executive Order 13224, this 747 was designated a Specially Designated Global Terrorist (''SDGT'') by the U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') on September 19, 2012.[14] Furthermore, as discussed in the February 4, 2013 Order, open source information indicated that this 747, painted in the livery and logo of Mahan Airways, had been flown between Iran and Syria, and was suspected of ferrying weapons and/or other equipment to the Syrian Government from Iran's Islamic Revolutionary Guard Corps.

In addition, as first detailed in the July 1, 2011 and August 24, 2011 orders, and discussed in subsequent renewal orders in this matter, Mahan Airways also continued to evade U.S. export control laws by operating two Airbus A310 aircraft, bearing Mahan Airways' livery and logo, on flights into and out of Iran.[15] At the time of the July 1, 2011 and August 24, 2011 orders, these Airbus A310s were registered in France, with tail numbers F–OJHH and F–OJHI, respectively.[16] The August 2012

[11] 88 FR 59791 (Aug. 30, 2023).

[12] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

[13] The third Boeing 747 appeared to have undergone significant service maintenance and may not have been operational at the time of the March 9, 2010 renewal order.

[14] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.*

[15] The Airbus A310s are powered with U.S.-origin engines. The engines are subject to the Regulations and classified under Export Control Classification (''ECCN'') 9A991.d. The Airbus A310s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the Regulations. They are classified under ECCN 9A991.b. The export or reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[16] OEE subsequently presented evidence that after the August 24, 2011 renewal, Mahan Airways worked along with Kerman Aviation and others to de-register the two Airbus A310 aircraft in France and to register both aircraft in Iran (with, respectively, Iranian tail numbers EP–MHH and EP–MHI). It was determined subsequent to the February 15, 2012 renewal order that the registration switch for these A310s was cancelled, and that Mahan Airways then continued to fly the aircraft under the original French tail numbers (F–OJHH and F–OJHI, respectively). Both aircraft apparently remain in Mahan Airways' possession.

renewal order also found that Mahan Airways had acquired another Airbus A310 aircraft subject to the Regulations, with MSN 499 and Iranian tail number EP–VIP, in violation of the Regulations.[17] On September 19, 2012, all three Airbus A310 aircraft (tail numbers F–OJHH, F–OJHI, and EP–VIP) were designated as SDGTs.[18]

The February 4, 2013 renewal order laid out further evidence of continued and additional efforts by Mahan Airways and other persons acting in concert with Mahan, including Kral Aviation and another Turkish company, to procure U.S.-origin engines—two GE CF6–50C2 engines, with MSNs 517621 and 517738, respectively—and other aircraft parts in violation of the TDO and the Regulations.[19] The February 4, 2013 order also added Mehdi Bahrami as a related person in accordance with Section 766.23 of the Regulations. Bahrami, a Mahan Vice-President and the head of Mahan's Istanbul Office, also was involved in Mahan's acquisition of the original three Boeing 747s (Aircraft 1–3) that resulted in the original TDO, and has had a business relationship with Mahan dating back to 1997.

The July 31, 2013 renewal order detailed additional evidence obtained by OEE showing efforts by Mahan Airways to obtain another GE CF6–50C2 aircraft engine (MSN 528350) from the United States via Turkey. Multiple Mahan employees, including Mehdi Bahrami, were involved in or aware of matters related to the engine's arrival in Turkey from the United States, plans to visually inspect the engine, and prepare it for shipment from Turkey.

Mahan Airways sought to obtain this U.S.-origin engine through Pioneer Logistics Havacilik Turizm Yonetim Danismanlik (''Pioneer Logistics''), an aircraft parts supplier located in Turkey, and its director/operator, Gulnihal Yegane, a Turkish national who previously had conducted Mahan related business with Mehdi Bahrami and Ali Eslamian. Moreover, as referenced in the July 31, 2013 renewal order, a sworn affidavit by Kosol Surinanda, also known as Kosol Surinandha, Managing Director of Mahan's General Sales Agent in Thailand, stated that the shares of Pioneer Logistics for which he was the listed owner were ''actually the property of and owned by Mahan.'' He further stated that he held ''legal title to the shares until otherwise required by Mahan'' but would ''exercise the rights granted to [him] exactly and only as instructed by Mahan and [his] vote and/or decisions [would] only and exclusively reflect the wills and demands of Mahan[.]'' [20]

The January 24, 2014 renewal order outlined OEE's continued investigation of Mahan Airways' activities and detailed an attempt by Mahan, which OEE thwarted, to obtain, via an Indonesian aircraft parts supplier, two U.S.-origin Honeywell ALF–502R–5 aircraft engines (MSNs LF5660 and LF5325), items subject to the Regulations, from a U.S. company located in Texas. An invoice of the Indonesian aircraft parts supplier dated March 27, 2013, listed Mahan Airways as the purchaser of the engines and included a Mahan ship-to address. OEE also obtained a Mahan air waybill dated March 12, 2013, listing numerous U.S.-origin aircraft parts subject to the Regulations—including, among other items, a vertical navigation gyroscope, a transmitter, and a power control unit—being transported by Mahan from Turkey to Iran in violation of the TDO.

The July 22, 2014 renewal order discussed open source evidence from the March-June 2014 time period regarding two BAE regional jets, items subject to the Regulations, that were painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MOI and EP–MOK, respectively.[21] In addition, aviation industry resources indicated that these aircraft were obtained by Mahan Airways in late November 2013 and June 2014, from Ukrainian Mediterranean Airline, a Ukrainian airline that was added to BIS's Entity List (Supplement No. 4 to Part 744 of the Regulations) on August 15, 2011, for acting contrary to the national security and foreign policy interests of the United States.[22] Open source information indicated that at least EP–MOI remained active in Mahan's fleet, and that the aircraft was being operated on multiple flights in July 2014.

The January 16, 2015 renewal order detailed evidence of additional attempts by Mahan Airways to acquire items subject to the Regulations in further violation of the TDO. Specifically, in March 2014, OEE became aware of an inertial reference unit bearing serial number 1231 (''the IRU'') that had been sent to the United States for repair. The IRU is a U.S.-origin item, subject to the Regulations, classified under ECCN 7A103, and controlled for missile technology reasons. Upon closer inspection, it was determined that IRU came from or had been installed on an Airbus A340 aircraft bearing MSN 056. Further investigation revealed that as of approximately February 2014, this aircraft was registered under Iranian tail number EP–MMB and had been painted in the livery and logo of Mahan Airways.

The January 16, 2015 renewal order also described related efforts by the Departments of Justice and Treasury to further thwart Mahan's illicit procurement efforts. Specifically, on August 14, 2014, the United States Attorney's Office for the District of Maryland filed a civil forfeiture complaint for the IRU pursuant to 22 U.S.C. 401(b) that resulted in the court issuing an Order of Forfeiture on December 2, 2014. EP–MMB remains listed as active in Mahan Airways' fleet and has been used on flights into and

[17] *See* note 14, *supra*.

[18] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx*. Mahan Airways was previously designated by OFAC as a SDGT on October 18, 2011. 77 FR 64427 (October 18, 2011).

[19] Kral Aviation was referenced in the February 4, 2013 renewal order as ''Turkish Company No. 1.'' Kral Aviation purchased a GE CF6–50C2 aircraft engine (MSN 517621) from the United States in July 2012, on behalf of Mahan Airways. OEE was able to prevent this engine from reaching Mahan by issuing a redelivery order to the freight forwarder in accordance with Section 758.8 of the Regulations. OEE also issued Kral Aviation a redelivery order for the second CF6–50C2 engine (MSN 517738) on July 30, 2012. The owner of the second engine subsequently cancelled the item's sale to Kral Aviation. In September 2012, OEE was alerted by a U.S. exporter that another Turkish company (''Turkish Company No. 2'') was attempting to purchase aircraft spare parts intended for re-export by Turkish Company No. 2 to Mahan Airways. *See* February 4, 2013 renewal order. On December 31, 2013, Kral Aviation was added to BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations. *See* 78 FR 75458 (Dec. 12, 2013). Companies and individuals are added to the Entity List for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR 744.11.

[20] Pioneer Logistics, Gulnihal Yegane, and Kosol Surinanda also were added to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[21] The BAE regional jets are powered with U.S.-origin engines. The engines are subject to the EAR and classified under ECCN 9A991.d. These aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The export or reexport of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[22] *See* 76 FR 50407 (Aug. 15, 2011). The July 22, 2014 renewal order also referenced two Airbus A320 aircraft painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MMK and EP–MML, respectively. OEE's investigation also showed that Mahan obtained these aircraft in November 2013, from Khors Air Company, another Ukrainian airline that, like Ukrainian Mediterranean Airlines, was added to BIS's Entity List on August 15, 2011. Open source evidence indicates the two Airbus A320 aircraft may have been transferred by Mahan Airways to another Iranian airline in October 2014, and issued Iranian tail numbers EP–APE and EP–APF, respectively.

out of Iran as recently as December 19, 2017.

Additionally, on August 29, 2014, OFAC blocked the property and interests in property of Asian Aviation Logistics of Thailand, a Mahan Airways affiliate or front company, pursuant to Executive Order 13224. In doing so, OFAC described Mahan Airways' use of Asian Aviation Logistics to evade sanctions by making payments on behalf of Mahan for the purchase of engines and other equipment.[23]

The May 21, 2015 modification order detailed the acquisition of two aircraft, specifically an Airbus A340 bearing MSN 164 and an Airbus A321 bearing MSN 550, that were purchased by Al Naser Airlines in late 2014/early 2015 and were under the possession, control, and/or ownership of Mahan Airways.[24] The sales agreements for these two aircraft were signed by Ali Abdullah Alhay for Al Naser Airlines.[25] Payment information reveals that multiple electronic funds transfers (''EFT'') were made by Ali Abdullah Alhay and Bahar Safwa General Trading in order to acquire MSNs 164 and 550.

The May 21, 2015 modification order also laid out evidence showing the respondents' attempts to obtain other controlled aircraft, including aircraft physically located in the United States in similarly-patterned transactions during the same recent time period. Transactional documents involving two Airbus A320s bearing MSNs 82 and 99, respectively, again showed Ali Abdullah Alhay signing sales agreements for Al Naser Airlines.[26] A review of the payment information for these aircraft similarly revealed EFTs from Ali Abdullah Alhay and Bahar Safwa General Trading that follow the pattern described for MSNs 164 and 550, *supra.* MSNs 82 and 99 were detained by OEE Special Agents prior to their planned export from the United States.

The July 13, 2015 renewal order outlined evidence showing that Al Naser Airlines' attempts to acquire aircraft on behalf of Mahan Airways extended beyond MSNs 164 and 550 to include a total of nine aircraft.[27] Four of the aircraft, all of which are subject to the Regulations and were obtained by Mahan from Al Naser Airlines, had been issued the following Iranian tail numbers: EP–MMD (MSN 164), EP–MMG (MSN 383), EP–MMH (MSN 391) and EP–MMR (MSN 416), respectively.[28] Publicly available flight tracking information provided evidence that at the time of the July 13, 2015 renewal, both EP–MMH and EP–MMR were being actively flown on routes into and out of Iran in violation of the Regulations.[29]

The January 7, 2016 renewal order discussed evidence that Mahan Airways had begun actively flying EP–MMD on international routes into and out of Iran. Additionally, the January 7, 2016 order described publicly available aviation database and flight tracking information indicating that Mahan Airways continued efforts to acquire Iranian tail numbers and press into active service under Mahan's livery and logo at least two more of the Airbus A340 aircraft it had obtained from or through Al Naser Airlines: EP–MME (MSN 371) and EP–MMF (MSN 376), respectively.

The July 7, 2016 renewal order described Mahan Airways' acquisition of a BAE Avro RJ–85 aircraft (MSN 2392) in violation of the Regulations and its subsequent registration under Iranian tail number EP–MOR.[30] This information was corroborated by publicly available information on the website of Iran's civil aviation authority. The July 7, 2016 order also outlined Mahan's continued operation of EP–MMF in violation of the Regulations on routes from Tehran, Iran to Beijing, China and Shanghai, China, respectively.

The December 30, 2016 renewal order outlined Mahan's continued operation of multiple Airbus aircraft, including EP–MMD (MSN 164), EP–MMF (MSN 376), and EP–MMH (MSN 391), which were acquired from or through Al Naser Airlines, as previously detailed in pertinent part in the July 13, 2015 and January 7, 2016 renewal orders. Publicly available flight tracking information showed that the aircraft were operated on flights into and out of Iran, including from/to Beijing, China, Kuala Lumpur, Malaysia, and Istanbul, Turkey.[31]

The June 27, 2017 renewal order included similar evidence regarding Mahan Airways' operation of multiple Airbus aircraft subject to the Regulations, including, but not limited to, aircraft procured from or through Al Naser Airlines, on flights into and out of Iran, including from/to Moscow, Russia, Shanghai, China and Kabul, Afghanistan. The June 27, 2017 order

[23] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20140829.aspx. See* 79 FR 55073 (Sep. 15, 2014). OFAC also blocked the property and property interests of Pioneer Logistics of Turkey on August 29, 2014. *Id.* Mahan Airways' use of Pioneer Logistics in an effort to evade the TDO and the Regulations was discussed in a prior renewal order, as summarized, *supra,* at 14. BIS added both Asian Aviation Logistics and Pioneer Logistics to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[24] Both of these aircraft are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. Both aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[25] The evidence obtained by OEE showed Ali Abdullah Alhay as a 25% owner of Al Naser Airlines.

[26] Both aircraft were physically located in the United States and therefore are subject to the Regulations pursuant to Section 734.3(a)(1). Moreover, these Airbus A320s are powered by U.S.-origin engines that are subject to the Regulations and classified under Export Control Classification Number ECCN 9A991.d. The Airbus A320s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[27] This evidence included a press release dated May 9, 2015, that appeared on Mahan Airways' website and stated that Mahan ''added 9 modern aircraft to its air fleet [,]'' and that the newly acquired aircraft included eight Airbus A340s and one Airbus A321. *See http://www.mahan.aero/en/mahan-air/press-room/44.* The press release was subsequently removed from Mahan Airways' website. Publicly available aviation databases similarly showed that Mahan had obtained nine additional aircraft from Al Naser Airlines in May 2015, including MSNs 164 and 550. As also discussed in the July 13, 2015 renewal order, Sky Blue Bird Group, via Issam Shammout, was actively involved in Al Naser Airlines' acquisition of MSNs 164 and 550, and the attempted acquisition of MSNs 82 and 99 (which were detained by OEE).

[28] The Airbus A340s are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[29] There is some publicly available information indicating that the aircraft Mahan Airways is flying under Iranian tail number EP–MMR is now MSN 615, rather than MSN 416. Both aircraft are Airbus A340 aircraft that Mahan acquired from Al Naser Airlines in violation of the Regulations. Moreover, both aircraft were designated as SDGTs by OFAC on May 21, 2015, pursuant to Executive Order 13224. *See* 80 FR 30762 (May 29, 2015).

[30] The BAE Avro RJ–85 is powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The BAE Avro RJ–85 contains controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result is subject to the EAR regardless of its location. The aircraft is classified under ECCN 9A991.b, and its export or re-export to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[31] Specifically, on December 22, 2016, EP–MMD (MSN 164) flew from Dubai, UAE to Tehran, Iran. Between December 20 and December 22, 2016, EP–MMF (MSN 376) flew on routes from Tehran, Iran to Beijing, China and Istanbul, Turkey, respectively. Between December 26 and December 28, 2016, EP–MMH (MSN 391) flew on routes from Tehran, Iran to Kuala Lumpur, Malaysia.

also detailed evidence concerning a suspected planned or attempted diversion to Mahan of an Airbus A340 subject to the Regulations that had first been mentioned in OEE's December 13, 2016 renewal request.

The December 20, 2017 renewal order presented evidence that a Mahan employee attempted to initiate negotiations with a U.S. company for the purchase of an aircraft subject to the Regulations and classified under ECCN 9A610. Moreover, the order highlighted Al Naser Airlines' acquisition, via lease, of at least possession and/or control of a Boeing 737 (MSN 25361), bearing tail number YR–SEB, and an Airbus A320 (MSN 357), bearing tail number YR–SEA, from a Romanian company in violation of the TDO and the Regulations.[32] Open source information indicates that after the December 20, 2017 renewal order publicly exposed Al Naser's acquisition of these two aircraft (MSNs 25361 and 357), the leases were subsequently cancelled and the aircraft returned to their owner.

The December 20, 2017 renewal order also included evidence indicating that Mahan Airways was continuing to operate a number of aircraft subject to the Regulations, including aircraft originally procured from or through Al Naser Airlines, on flights into and out of Iran, including from/to Lahore, Pakistan, Shanghai, China, Ankara, Turkey, Kabul, Afghanistan, and Baghdad, Iraq.

The June 14, 2018 renewal order outlined evidence that Mahan began actively operating EP–MMT, an Airbus A340 aircraft (MSN 292) acquired in 2017 and previously registered in Kazakhstan under tail number UP–A4003, on international flights into and out of Iran.[33] It also discussed evidence that Mahan continued to operate a number of aircraft subject to the Regulations, including, but not limited to, EP–MME, EP–MMF, and EP–MMH, on international flights into and out of Iran, including from/to Beijing, China.

The June 14, 2018 renewal order also noted OFAC's May 24, 2018 designation of Otik Aviation, a/k/a Otik Havacilik Sanayi Ve Ticaret Limited Sirketi, of Turkey, as an SDGT pursuant to Executive Order 13224, for providing material support to Mahan, as well as OFAC's designation as SDGTs of an additional twelve aircraft in which Mahan has an interest.[34] The June 14, 2018 order also cited the April 2018 arrest and arraignment of a U.S. citizen on a three-count criminal information filed in the United States District Court for the District of New Jersey involving the unlicensed exports of U.S.-origin aircraft parts valued at over $2 million to Iran, including to Mahan Airways.

The December 11, 2018 renewal order detailed publicly available information showing that Mahan Airways had continued operating a number of aircraft subject to the EAR, including, but not limited to, EP–MMB, EP–MME, EP–MMF, and EP–MMQ, on international flights into and out of Iran from/to Istanbul, Turkey, Guangzhou, China, Bangkok, Thailand, and Dubai, UAE.[35] It also discussed that OEE's continued investigation of Mahan Airways and its affiliates and agents had resulted in an October 2018 guilty plea by Arzu Sagsoz, a Turkish national, in the U.S. District Court for the District of Columbia, stemming from her involvement in a conspiracy to export a U.S.-origin aircraft engine, valued at approximately $810,000, to Mahan.

The December 11, 2018 order also noted OFAC's September 14, 2018 designation of Mahan-related entities as SDGTs pursuant to Executive Order 13224, namely, My Aviation Company Limited, of Thailand, and Mahan Travel and Tourism SDN BHD, a/k/a Mahan Travel a/k/a Mihan Travel & Tourism SDN BHD, of Malaysia.[36] As general sales agents for Mahan Airways, these companies sold cargo space aboard Mahan Airways' flights, including on flights to Iran, and provided other services to or for the benefit of Mahan Airways and its operations.[37]

The June 5, 2019 renewal order highlighted Mahan's continued violation of the TDO and the Regulations. An end-use check conducted by BIS in Malaysia in March 2019 uncovered evidence that, on approximately ten occasions, Mahan had caused, aided and/or abetted the unlicensed export of U.S.-origin items subject to the Regulations from the United States to Iran via Malaysia. The items included helicopter shafts, transmitters, and other aircraft parts, some of which are listed on the Commerce Control List and controlled on anti-terrorism grounds. The June 5, 2019 order also detailed publicly available flight tracking information showing that Mahan continued to unlawfully operate a number of aircraft subject to the EAR on flights into and out of Iran, including on routes to and from Damascus, Syria.[38]

The June 5, 2019 order also described actions taken by both BIS and OFAC to thwart efforts by entities connected to or acting on behalf of Mahan Airways to violate U.S. export controls and sanctions related to Iran. On May 14, 2019, BIS added Manohar Nair, Basha Asmath Shaikh, and two co-located companies that they operate, Emirates Hermes General Trading and Presto Freight International, LLC, to the Entity List pursuant to Section 744.11 of the

[32] The Airbus A320 is powered with U.S.-origin engines, which are subject to the EAR and classified under Export Control Classification (''ECCN'') 9A991.d. The engines are valued at more than 10 percent of the total value of the aircraft, which consequently is subject to the EAR. The aircraft is classified under ECCN 9A991.b, and its export or reexport to Iran would require U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations.

[33] The Airbus A340 is powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340 contains controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result is subject to the Regulations regardless of its location. The aircraft is classified under ECCN 9A991.b. The export or re-export of this aircraft to Iran requires U.S. Government authorization pursuant to Sections 742.8 and 746.7 of the Regulations. On June 4, 2018, EP–MMT (MSN 292) flew from Bangkok, Thailand to Tehran, Iran.

[34] *See* 83 FR 27828 (June 14, 2018). OFAC's related press release stated in part that ''[o]ver the last several years, Otik Aviation has procured and delivered millions of dollars in aviation-related spare and replacement parts for Mahan Air, some of which are procured from the United States and the European Union. As recently as 2017, Otik Aviation continued to provide Mahan Air with replacement parts worth well over $100,000 per shipment, such as aircraft brakes.'' The twelve additional Mahan-related aircraft that were designated are: EP–MMA (MSN 20), EP–MMB (MSN 56), EP–MMC (MSN 282), EP–MMJ (MSN 526), EP–MMV (MSN 2079), EP–MNF (MSN 547), EP–MOD (MSN 3162), EP–MOM (MSN 3165), EP–MOP (MSN 2257), EP–MOQ (MSN 2261), EP–MOR (MSN 2392), and EP–MOS (MSN 2347). *See https://home.treasury.gov/news/press-releases/sm0395. See also https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20180524.aspx.*

[35] Flight tracking information showed that on December 10, 2018, EP–MMB (MSN 56) flew from Istanbul, Turkey to Tehran, Iran, and EP–MME (MSN 371) flew from Guangzhou, China to Tehran, Iran. Additionally, on December 6, 2018, EP–MMF (MSN 376) flew from Bangkok, Thailand to Tehran, Iran, and on December 9, 2018, EP–MMQ (MSN 449) flew on routes between Dubai, United Arab Emirates and Tehran, Iran.

[36] *See* 83 FR 34301 (July 19, 2018) (designation of Mahan Travel and Tourism SDN BHD on July 9, 2018), and 83 FR 53359 (Oct. 22, 2018) (designation of My Aviation Company Limited and updating of entry for Mahan Travel and Tourism SDN BHD on September 14, 2018).

[37] OFAC's press release concerning its designation of My Aviation Company Limited on September 14, 2018, states in part that ''[t]his Thailand-based company has disregarded numerous U.S. warnings, issued publicly and delivered bilaterally to the Thai government, to sever ties with Mahan Air.'' My Aviation provides cargo services to Mahan Airways, including freight booking, and works with local freight forwarding entities to ship cargo on regularly scheduled Mahan Airways' flights to Tehran, Iran. My Aviation has also provided Mahan Airways with passenger booking services. *See https://home.treasury.gov/news/press-releases/sm484.*

[38] Specifically, on May 26, 2019, EP–MMJ (MSN 526) flew from Damascus, Syria to Tehran, Iran. In addition, on May 24, 2019, EP–MNF (MSN 547) flew on routes between Moscow, Russia and Tehran, and on May 23, 2019, EP–MMF (MSN 376) flew from Dubai, UAE to Tehran.

Regulations, including for engaging in activities to procure U.S.-origin items on Mahan's behalf.[39] On January 24, 2019, OFAC designated as SDGTs Flight Travel LLC, which is Mahan's general service agent in Yerevan, Armenia, and Qeshm Fars Air, an Iranian airline which operates two U.S.-origin Boeing 747s [40] and is owned or controlled by Mahan, and also linked to the Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF).[41]

The December 2, 2019 renewal order noted that OEE's on-going investigation revealed that U.S.-origin passenger flight and database management software subject to the Regulations was provided to a company in Turkey and subsequently used to facilitate and service Mahan's operations into and out of Turkey in further violation of the Regulations.

Additionally, open source information, including flight tracking data and news articles published in October 2019, showed that Mahan Airways was now operating a U.S.-origin Boeing 747 on routes between Iranian airports in Tehran, Kish Island, and Mashhad. This aircraft, bearing Iranian tail number EP–MNB, appears to be one of the three aircraft that Mahan illegally acquired via Blue Airways of Armenia and U.K.-based Balli Group that resulted in the issuance of the original TDO.[42] *See supra* at 10–12.

Evidence was also described in the December 2, 2019 renewal order showing that on or about November 11, 2019, Mahan caused, aided and/or abetted the unlicensed export of a U.S.-origin atomic absorption spectrometer, an item subject to the Regulations, from the United States to Iran via the UAE. Finally, publicly available flight tracking information showed that Mahan continued to unlawfully operate a number of aircraft subject to the EAR on flights into and out of Iran, including on routes to and from Guangzhou, China, Istanbul, Turkey, and Kuala Lumpur, Malaysia.[43]

The May 29, 2020 renewal order cited Mahan's operation of EP–MMD, EP–MMF, and EP–MMI, aircraft originally acquired from Al Naser Airlines, on international flights into and out of Iran from/to Bangkok, Thailand, Dubai, UAE, and Shanghai, China in violation of the TDO and EAR.[44] The May 29, 2020 renewal order also detailed the indictment of Ali Abdullah Alhay and Issam Shammout, parties added to the TDO in May and July 2015, respectively, in the United States District Court for the District of Columbia. Alhay and Shammout were charged with, among other violations, conspiring to export aircraft and parts to Mahan in violation of export control laws and the embargo on Iran beginning around August 2012 through May 2015.

In addition to detailing the operation of multiple aircraft in violation of the Regulations,[45] the November 24, 2020 renewal order discussed a related TDO issued on August 19, 2020, denying for 180 days the export privileges of Indonesia-based PT MS Aero Support (''PTMS Aero''), PT Antasena Kreasi (''PTAK''), PT Kandiyasa Energi Utama (''PTKEU''), Sunarko Kuntjoro, Triadi Senna Kuntjoro, and Satrio Wiharjo Sasmito based on their involvement in the unlicensed export of aircraft parts to Mahan Airways—often in coordination with Mustafa Ovieci, a Mahan executive.[46] These parties also facilitated the shipment of damaged Mahan parts to the United States for repair and subsequent export back to Iran in further violation of U.S. laws. In both instances, the fact that the items were destined to Iran/Mahan was concealed from U.S. companies, shippers, and freight forwarders.[47]

The November 24, 2020 renewal order also includes actions taken by other U.S. government agencies such as OFAC's August 19, 2020 designation of UAE-based Parthia Cargo, its CEO Amin Mahdavi, and Delta Parts Supply FZC as SDGTs pursuant to Executive Order 13224 for providing ''key parts and logistics services for Mahan Air. . . .'' The OFAC press release further states, in part, that Mahdavi ''has directly coordinated the shipment of parts on behalf of Mahan Air.'' [48] In addition, Mahdavi and Parthia Cargo were indicted in the United States District Court for the District of Columbia for violating sanctions on Iran.[49]

Moreover, in October 2020, the U.S. District Court for the District of New Jersey sentenced Joyce Eliasbachus to 18 months of confinement based on her role in a conspiracy to export $2 million dollars' worth of aircraft parts from the United States to Iran, including to Mahan Airways.[50]

The May 21, 2021 renewal order outlined Mahan's continued operation of a number of aircraft subject to the EAR, including, but not limited to, EP–MMH, EP–MMI, and EP–MMQ, on international flights into and out of Iran from/to Shanghai, China, and Dubai, United Arab Emirates, and Guangzhou, China, respectively.[51]

Open source news reporting also indicated that after five years of maintenance, Mahan Air is now operating EP–MNE, a Boeing 747 on domestic flights within Iran.[52] In addition to this aircraft being one of the original three Boeing aircraft Mahan obtained in violation of the Regulations, any service or maintenance involving parts subject to the EAR would further violate the TDO.

The November 17, 2021 order details Mahan's continued operation of a

[39] *See* 84 FR 21233 (May 14, 2019).

[40] These 747s are registered in Iran with tail numbers EP–FAA and EP–FAB, respectively.

[41] OFAC's press release concerning these designations states that Qeshm Fars Air was being designated for ''being owned or controlled by Mahan Air, as well as for assisting in, sponsoring, or providing financial, material or technological support for, or financial or other services to or in support of, the IRGC–QF,'' and that Flight Travel LLC was being designated for ''acting for or on behalf of Mahan Air.'' It further states, *inter alia,* that ''Mahan Air employees fill Qeshm Fars Air management positions, and Mahan Air provides technical and operational support for Qeshm Fars Air, facilitating the airline's illicit operations.'' *See https://home.treasury.gov/news/press-releases/*sm590. *See also https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20190124.aspx.*

[42] The same open sources indicated this aircraft continued to operate on flights within Iran to include a May 11, 2020 flight from Tehran, Iran to Kerman, Iran.

[43] Publicly available flight tracking information shows that on November 23, 2019, EP–MME (MSN 371) flew from Guangzhou, China to Tehran, Iran, and on November 21, 2019, EP–MMF (MSN 376) flew on routes between Istanbul, Turkey and Tehran, Iran. Additionally, on November 20, 2019, EP–MMQ (MSN 449) flew from Kuala Lumpur, Malaysia, to Tehran, Iran.

[44] Publicly available flight tracking information shows that on May 8, 2020, EP–MMD (MSN 164) flew on routes between Bangkok, Thailand and Tehran, Iran, and on May 10, 2020, EP–MMF (MSN 376) flew on routes between Dubai, UAE and Tehran. In addition, on May 9, 2020, EP–MMI (MSN 416) flew on routes between Shanghai, China and Tehran.

[45] Publicly available flight tracking information shows that on November 13, 2020, EP–MMQ (MSN 449) flew on routes between Istanbul, Turkey and Tehran, Iran, and on November 15, 2020, EP–MMI (MSN 416) flew on routes between Shenzhen, China and Tehran.

[46] *See* 85 FR 52321 (Aug. 25, 2020).

[47] PTMS Aero, PTAK, PTKEU, and Sunarko Kuntjoro were each indicted in December 2019 on multiple counts related to this conspiracy in the United States District Court for the District of Columbia.

[48] *https://home.treasury.gov/news/press-releases/sm1098.*

[49] *https://www.justice.gov/opa/pr/iranian-national-and-uae-business-organization-charged-criminal-conspiracy-violate-iranian.*

[50] Eliasbachus' arrest and arraignment were detailed in the June 14, 2018 renewal order, as described *supra* at 21.

[51] Publicly available flight tracking information shows that on May 14, 2021, EP–MMH (MSN 391) flew on routes between Shanghai, China and Tehran, Iran, and on May 13, 2021, EP–MMI (MSN 416) flew on routes between Dubai, United Arab Emirates and Tehran. In addition, on May 20, 2021, EP–MMQ (MSN 346) flew on routes between Guangzhou, China and Tehran.

[52] *https://simpleflying.com/mahan-air-747-300-flies-again/.*

number of aircraft subject to the EAR, including, but not limited to EP–MME, EP–MMJ, EP–MMQ, on flights into and out of Iran from/to Istanbul, Turkey, and Dubai, United Arab Emirates, and Shenzhen, China, respectively.[53] Additionally, publicly available industry sources showed that EP–MMG (MSN 383), an aircraft that Mahan acquired from Al Naser Air in violation of both the TDO and Regulations, was in a maintenance, repair, overhaul (''MRO'') status at Iran's Imam Khomeini International Airport in Tehran, Iran.

The May 13, 2022 renewal order outlines Mahan's continuing violation of the TDO and/or Regulations including, but not limited to the operation of EP–MME, EP–MNO, and EP–MMB on flights into and out of Iran from/to Moscow, Russia, Damascus, Syria, and Guangzhou, China, respectively.[54] Open source press reports also indicate that as of April 2022, Mahan Air increased its service into Moscow, Russia by adding two weekly flights to Moscow's Sheremetyevo Airport (''SVO'') to its current service into Moscow's Vnukovo Airport (''VKO'').[55] Mahan flights into Russia after February 24, 2022 violated the export controls imposed on aviation-related (*e.g.,* Commerce Control List Categories 7 and 9) items to Russia in response to Russia's further invasion of Ukraine. These controls include a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (ECCN) 9A991 (Section 746.8(a)(1) of the EAR).[56]

The May 13, 2022 renewal order also cited OFAC's recent administrative enforcement action with an Australian freight forwarder resulting in a $6,131,855 civil penalty, which resolved, in part, allegations of receiving 327 payments from Mahan that were processed through U.S. financial institutions or foreign branches of U.S. financial institutions in apparent violation of OFAC sanctions.[57]

The November 8, 2022 order detailed Mahan Air's continued violation of the TDO and Regulations, including the Russia-related export controls set out in Section 746.8 of the Regulations. On September 19, 2022, BIS publicly identified Mahan's EP–MEE aircraft for its unlicensed reexport to Russia in apparent violation of Section 746.8 of the Regulations.[58] Additionally, open source evidence showed that Mahan continues to operate EP–MME, EP–MMJ, and EP–MMQ on flights into and out of Iran from/to Moscow, Russia, and Dubai, United Arab Emirates, respectively, without the requisite authorization.[59]

Further, on August 2, 2022, BIS took a related enforcement action against Venezuela-based cargo airline Empresa de Transporte Aéreocargo del Sur, S.A., a/k/a Aerocargo del Sur Transportation Company, a/k/a EMTRASUR (''EMTRASUR''), for acquiring custody and/or control from Mahan Air of a U.S.-origin Boeing 747 aircraft bearing manufacturer's serial number 23413 (''MSN 23413'') in violation of the TDO.[60] In or around October 2021, Mahan Air transferred custody and control of MSN 23413 to EMTRASUR's parent company, CONVIASA,[61] through an intermediary.

The May 5, 2023 renewal order outlined open source evidence showing Mahan continuing to operate EP–MNF, EP–MMQ, and EP–MME on flights into and out of Iran from/to Guangzhou, China, Kabul, Afghanistan, and Moscow, Russia, respectively, without the requisite authorization.[62] The renewal order also noted the national security and foreign policy concerns raised by Mahan's intention to start direct flights from Iran to Minsk, Belarus.[63] Lastly, the May 3, 2023 renewal order cited publicly available information showing that Russian airline Aeroflot, which is currently subject to its own TDO,[64] has begun sending its aircraft to Mahan for repairs and/or maintenance.[65]

OEE's October 31, 2023 renewal outlined Mahan's continued violation of the TDO by operating aircraft including EP–MME, EP–MMQ, and EP–MMB on flights into and out of Iran from/to Erbil, Iraq, Shanghai, China, Lahore, Pakistan, and Moscow, Russia.[66] The October 31, 2023 order also highlighted OEE's continued investigation into Mahan's recent acquisition of an Airbus A340 (MSN 75) bearing Iranian tail number EP–MJA, and its flights to/from Tehran, Iran and Moscow, Russia.

The October 31, 2023 renewal order also detailed the on-going national security and foreign policy threats and concerns raised by Mahan's destabilizing activities. Specifically, open source reporting details October 12, 2023 airstrikes at Syria's Damascus and Aleppo airports made in an effort to divert a Mahan A340 (MSN 282 and bearing tail number EP–MMC) [67] which was in route at the time from Tehran, Iran to Syria and suspected of carrying weapons.[68]

The October 31, 2024 renewal order outlined Mahan's on-going violations of the TDO by operating aircraft including EP–MME, EP–MMQ, EP–MMR on flights into and out Iran from/to Guangzhou, China, Moscow, Russia,

[53] Publicly available flight tracking information shows that on November 7, 2021, EP–MME (MSN 376) flew on routes between Istanbul, Turkey and Tehran, Iran, and on November 9, 2021, EP–MMJ (MSN 526) flew on routes between Dubai, United Arab Emirates and Tehran, Iran. In addition, on November 8, 2021, EP–MMQ (MSN 346) flew on routes between Shenzhen, China and Tehran, Iran.

[54] Publicly available flight tracking information shows that on May 2, 2022, EP–MME (MSN 376) flew on routes between Moscow, Russia and Tehran, Iran, and on May 5, 2022, EP–MNO (MSN 595) flew on routes between Damascus, Syria and Tehran, Iran. In addition, on May 6, 2022, EP–MMB (MSN 56) flew on routes between Guangzhou, China and Tehran, Iran.

[55] *https://centreforaviation.com/news/mahan-air-launches-moscow-sheremetyevo-service-1131185.*

[56] The TDO prohibits Mahan from being eligible to use license exception Aircraft, Vessels, and Spacecraft (AVS) (Section 740.15 of the EAR).

[57] *https://home.treasury.gov/system/files/126/20220425_toll.pdf.*

[58] *https://bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/3138-bis-press-release-gp10-iranian-craft-additions/file.*

[59] Publicly available flight tracking information shows that on October 9, 2022, EP–MME (MSN 376) flew on routes between Tehran, Iran and Moscow, Russia's VTO airport, and on October 26, 2022, EP–MMJ (MSN 526) flew on routes between Tehran, Iran and Moscow, Russia's SVO airport. On October 28, 2022, EP–MMQ (MSN 346) flew on routes between Dubai, United Arab Emirates and Tehran, Iran.

[60] BIS issued a separate TDO denying the export privileges of EMTRASUR for a period of 180 days. *See* 87 FR 47964 (Aug. 5, 2022).

[61] On or about February 7, 2020, U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') added CONVIASA, a Venezuelan state-owned airline, to the list of Specially Designated Nationals (''SDN'') pursuant to Executive Order (E.O.) 13884. *See https://home.treasury.gov/news/press-releases/sm903.*

[62] Publicly available flight tracking information shows that on April 24, 2023, EP–MMQ (MSN 346) flew on routes between Guangzhou, China, and Tehran, Iran, and on April 27, 2023, EP–MNF (MSN 547) flew on routes between Kabul, Afghanistan and Tehran, Iran. On April 28, 2023, EP–MME (MSN 371) flew on routes between Moscow, Russia and Tehran, Iran.

[63] *https://iranpress.com/content/76332/mahan-air-launches-direct-flight-from-tehran-minsk.*

[64] *See* 88 FR 66807 (Sep. 28, 2023).

[65] *https://simpleflying.com/aeroflot-airbus-a330-maintenance-iran-mahan-air/.*

[66] Publicly available flight tracking information shows that on October 24, 2023, EP–MME (MSN 371) flew on routes between Erbil, Iraq and Tehran, Iran, and on October 23, 2023, EP–MMB (MSN 56) flew on routes between Moscow, Russia and Tehran, Iran. On October 21–22, 2023, EP–MMQ (MSN 346) flew on routes between Lahore, Pakistan and Tehran, Iran.

[67] *See supra* at footnote 34.

[68] *https://www.jns.org/syria-airport-strikes-said-to-stop-iranian-missile-shipment/; https://www.reuters.com/world/middle-east/syria-state-tv-says-israeli-attack-targets-aleppo-damascus-airports-2023-10-12/; https://www.israelhayom.com/2023/10/17/revealed-this-could-be-why-israel-allegedly-bombed-2-airports-simultaneously/.*

and Erbil, Iraq.[69] Additionally, a May 2024 BIS post-shipment verification indicated that Taiwanese Company No. 1 diverted several shipments of electronic components to Russia via Iran aboard Mahan aircraft.[70]

The October 27, 2025 renewal order illustrated Mahan's continued operation of aircraft including EP–MMR, EP–MMT, and EP–MMG on flights into and out of Iran from/to Moscow, Russia, Lahore, Pakistan, and Shanghai, China.[71] Recent open source evidence indicated Mahan's further efforts to violate the TDO and U.S. sanctions by obtaining five additional U.S.-origin aircraft. Multiple news sources and industry databases describe the evasive steps by Mahan and third parties to divert five Boeing 777–212ER aircraft to Iran via multiple intermediary countries. Mahan and its proxies were able to coordinate a complex series of re-positioning and re-registrations of the aircraft, which, at one point were registered in the United States through multiple front companies in several countries. Evidence indicates the five aircraft were reportedly placed in long-term storage until late 2023, and were then relocated and placed in storage at Lanzhou Airport in China. The aircraft, which bore U.S. registered tail numbers, appeared to have been stored in Lanzhou Airport in China until early July 2025, when they were relocated to Cambodia via Indonesia's Soekarno-Hatta International Airport, and re-registered under temporary Madagascar aircraft registration.[72] On or about July 15, 2025, all five aircraft departed Cambodia and reportedly turned their transponders off over Afghanistan rendering their flight paths untraceable until they landed at Iranian airports, to include Mashhad International Airport and Zahedan International Airport.[73]

Aircraft	MSN	U.S. Registry	Madagascar temporary registry
Boeing 777–212ER	33369	N99001	5R–RIJ
Boeing 777–212ER	32334	N99002	5R–RIS
Boeing 777–212ER	30866	N99003	5R–ISA
Boeing 777–212ER	28527	N99004	5R–IJA
Boeing 777–212ER	28522	N99005	5R–HER

OEE's September 8, 2026 TDO renewal request and on-going investigation outlines Mahan's ongoing efforts to evade export control laws and the TDO. Notably, three of the five Boeing 777–212ER aircraft identified in the October 27, 2025 renewal order and referenced above, have now been issued Iranian tail numbers EP–MTE (MSN 33369), EP–MTB (MSN 28527), and EP–MTA (MSN 28522), respectively. Moreover, each aircraft is actively flying on Mahan routes into and out of Iran from/to destinations including Moscow, Russia, Beijing, China, and Muscat, Oman.[74]

In addition, on July 30, 2026, pursuant to E.O. 13224, OFAC designated several parties in China, India, and Russia for providing material support to Mahan Air. These entities, acting as general service agents for Mahan Air, supply sales and customer support services and communicate with freight forwarders and shippers on Mahan Air's behalf.[75] On September 8, 2026, OFAC made additional Mahan-related designations of entities in the UAE, Turkey, and Malaysia, as part of Operation Economic Outcast.[76] Some of these parties aided or abetted Mahan's efforts to illegally obtain three additional Boeing 777 aircraft in the Summer of 2026 via the UAE and Oman, while others acted as general service agents for Mahan.

C. Findings

Under the applicable standard set forth in Section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that the denied persons have acted in violation of the Regulations and the TDO; that such violations have been significant, deliberate and covert; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Moreover, I find that renewal for an extended period is appropriate given the pattern of repeated, ongoing and/or continuous apparent violations of the EAR. Therefore, renewal of the TDO is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should continue to avoid dealing with Mahan Airways and Al Naser Airlines and the other denied persons, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

III. Order

It is therefore ordered:

First, that MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; PEJMAN MAHMOOD KOSARAYANIFARD A/K/A KOSARIAN FARD, P.O. Box 52404, Dubai, United Arab Emirates; MAHMOUD AMINI, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; KERMAN AVIATION A/K/A GIE KERMAN AVIATION, 42 Avenue Montaigne 75008, Paris, France; SIRJANCO TRADING LLC, P.O. Box 8709, Dubai, United Arab Emirates; MAHAN AIR

[69] Publicly available flight tracking information shows that on October 13–14, 2024, EP–MME (MSN 371) flew on routes between Guangzhou, China and Tehran, Iran, and on October 10, 2024, EP–MMQ (MSN 346) flew on routes between Moscow, Russia and Tehran, Iran. On October 15, 2024, EP–MMR (MSN 416) flew on routes between Erbil, Iraq and Tehran, Iran.

[70] The items at issue were subject to the Regulations and included items classified under ECCN 3A991.a.2 and others listed in Tier 1 of BIS's Common High Prior List. Tier 1 items are of the highest concern due to their critical role in the production of advanced Russian precision-guided weapons systems, Russia's lack of domestic production, and limited global manufacturers.

[71] Publicly available flight tracking information shows that on May 25, 2025, EP–MMR (MSN 615) flew on routes between Moscow, Russia and Tehran, Iran, and on September 7, 2025, EP–MMT (MSN 292) flew on routes between Lahore, Pakistan and Tehran, Iran. On September 9, 2025, EP–MMG (MSN 383) flew on routes between Shanghai, China and Tehran, Iran.

[72] *https://aviationa2z.com/index.php/2025/07/25/irans-mahan-air-smuggle-ex-singapore-airlines-777s/.*

[73] *https://onemileatatime.com/news/iranian-aircraft-smuggling-disappearing-planes/.*

[74] Publicly available flight tracking information shows that on August 25, 2026, EP–MTE (MSN 33369) flew from Moscow, Russia to Tehran, Iran and EP–MTB (MSN 28527) flew from Beijing, China to Tehran, Iran. Also, on August 25, 2026, EP–MTA flew from Muscat, Oman to Tehran, Iran.

[75] *See https://home.treasury.gov/news/press-releases/sb0582* and *https://ofac.treasury.gov/recent-actions/20260730.*

[76] *See https://home.treasury.gov/news/press-releases/sb0623/* and *https://home.treasury.gov/news/press-releases/sb0623/.*

GENERAL TRADING LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates; MEHDI BAHRAMI, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey; AL NASER AIRLINES A/K/A AL-NASER AIRLINES A/K/A AL NASER WINGS AIRLINE A/K/A ALNASER AIRLINES AND AIR FREIGHT LTD., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan; ALI ABDULLAH ALHAY A/K/A ALI ALHAY A/K/A ALI ABDULLAH AHMED ALHAY, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Anak Street, Qatif, Saudi Arabia 61177; BAHAR SAFWA GENERAL TRADING, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates, and P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates; SKY BLUE BIRD GROUP A/K/A SKY BLUE BIRD AVIATION A/K/A SKY BLUE BIRD LTD A/K/A SKY BLUE BIRD FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates; and ISSAM SHAMMOUT A/K/A MUHAMMAD ISAM MUHAMMAD ANWAR NUR SHAMMOUT A/K/A ISSAM ANWAR, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No. 14/A Silivri, Istanbul, Turkey, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or engaging in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by ownership, control, position of responsibility, affiliation or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Sections 766.24(e) of the EAR, Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, and/or Issam Shammout may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading and each related person, and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for one year.

Dated: October 22, 2026.

David A. Peters,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2026–21840 Filed 10–26–26; 8:45 am]

BILLING CODE 3510–DT33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG130]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of hybrid meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Groundfish Plan Teams will meet

November 16, 2026, through November 20, 2026.

DATES: The meetings will be held on Monday, November 16, 2026 through Friday, November 20, 2026, from 8 a.m. to 4 p.m., Alaska Time (9 a.m. to 5 p.m., Pacific time).

ADDRESSES: These meetings will be hybrid meetings. The in-person component of the meetings will be held at the Alaska Fisheries Science Center (AFSC), in the Traynor Room 2076 and Room 2079, 7600 Sand Point Way NE, Building 4, Seattle, WA 98115. If you plan to attend in person, you must notify Sara Cleaver (*scleaver@npfmc.org*) or Diana Stram (*dstram@npfmc.org*) at least 2 days prior to the meeting (or 2 weeks prior if you are a foreign national). You will also need a valid U.S. Identification Card. If you are attending virtually, join the meeting online through the links at *https://meetings.npfmc.org/Meeting/Details/8165.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Suite 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**, below. For technical support, please contact our administrative staff; email: *support@npfmc.org,* or telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Sara Cleaver, Council staff; email: *scleaver@npfmc.org* or Diana Stram, Council staff; email *dstram@npfmc.org,* telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, November 16, 2026, Through Friday, November 20, 2026

The Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish Plan Teams will meet to review and discuss issues of importance to both Plan Teams, including but not limited to: An Ecosystem Status Report climate preview, preliminary survey information, updates on model progress for stock assessments to be presented in November, and proposed harvest specifications for some stocks. Additionally, at this meeting final stock assessment documents will be reviewed for Bogoslof pollock, GOA arrowtooth flounder, GOA skates, GOA rex sole, and all stocks with harvest projections. For these stocks, final groundfish OverFishing Limits (OFLs) and Acceptable Biological Catches (ABCs) will be recommended for 2027/2028. The agenda is subject to change, and more information as well as the latest version of the agenda will be posted at *https://meetings.npfmc.org/Meeting/Details/8165* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smartphone; or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/8165.* For technical support, please contact our administrative staff; email: *support@npfmc.org,* or telephone: (907) 271–2809.

Public Comment

Public comment letters should be submitted electronically via the electronic agenda at *https://meetings.npfmc.org/Meeting/Details/8165.*

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

Dated: October 23, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–21872 Filed 10–26–26; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0055]

Agency Information Collection Activities; Extension of Collection; Comment Request; Standard for the Flammability of Mattresses and Mattress Pads and Standard for the Flammability (Open Flame) of Mattress Sets

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of information collection; request for comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of information collection requirements associated with the Standard for the Flammability of Mattresses and Mattress Pads and the Standard for the Flammability (Open Flame) of Mattress Sets. OMB previously approved the collection of information under control number 3041–0014. OMB's most recent extension of approval will expire on October 31, 2026. On June 18, 2026, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received four public comments. By publication of this notice, the Commission announces that CPSC has submitted to OMB a request for extension of approval of that collection of information.

DATES: Submit comments on the collection of information by November 27, 2026.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–3888. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. Written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov* under Docket No. CPSC–2010–0055.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 441 G Street NW, Washington, DC 20548; (301) 504–7791, or by email to: *pra@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Standard for the Flammability of Mattresses and Mattress Pads (16 CFR part 1632) and Standard for the Flammability (Open Flame) of Mattresses (16 CFR part 1633).

OMB Number: 3041–0014.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of mattresses and mattress pads.

General Description of Collection: The Standard for the Flammability of Mattresses and Mattress Pads, 16 CFR part 1632, was issued and amended under section 4 of the Flammable Fabrics Act (FFA), 15 U.S.C. 1193, to reduce unreasonable risks of burn injuries and deaths from fires associated with mattresses and mattress pads. The standard prescribes requirements to test whether a prototype mattress or mattress pad will resist ignition from a smoldering cigarette. The standard also requires recordkeeping of all prototype test results. Manufacturers and importers must maintain these records for three years. Also, under 16 CFR part 1632, each mattress or mattress pad must be permanently labeled with the month and year of manufacture and the location of the manufacturer. Mattress pads treated with a chemical flame

retardant must also be labeled prominently with the letter ''T'' and instructions on how to protect the pads from agents or treatments that can cause deterioration of their flame resistance.

The Commission promulgated the Standard for the Flammability (Open Flame) of Mattress Sets, 16 CFR part 1633, under section 4 of the FFA, to reduce deaths and injuries associated with mattress fires by limiting the size of the fire generated by a mattress set during a thirty minute test. The standard requires manufacturers and importers to maintain certain records to document compliance with the standard, including maintaining records concerning prototype testing, pooling, and confirmation testing, and quality assurance procedures and any associated testing. The required records must be maintained for as long as mattress sets based on the prototype are in production and must be retained for three years thereafter. 16 CFR part 1633 also includes labeling requirements for each mattress set to bear a permanent, conspicuous, and legible label containing specified information. *See* 16 CFR 1633.2.

Estimated Number of Respondents: CPSC estimates there are 80 respondents annually to part 1632 for mattress pads and 403 respondents for mattresses. For part 1633, CPSC estimates 403 respondents annually.

Estimated Time per Response: On average, a mattress pad producer will respond for three prototypes annually and a mattress producer will respond for eight prototypes annually for both parts 1632 and 1633. CPSC estimates that each respondent will spend five hours for labeling and five hours for recordkeeping, annually.

Total Estimated Annual Burden: If a mattress pad producer responds to the collection three times annually and a mattress producer responds to the collection eight times annually, the estimated annual burden for mattress pads subject to part 1632 is 1,200 hours (80 respondents × 3 responses per year × 5 hours per response = 1,200 hours per year), and the estimated annual burden for mattresses subject to 1632 is 16,120 hours (403 respondents × 8 responses per year × 5 hours per response = 16,120). For mattresses subject to part 1633, based on an average of eight different qualified prototypes, the total estimated burden is about 16,120 hours annually (403 respondents × 8 responses annually × 5 hours per responses = 16,120 hours).

Total Estimated Annual Cost to Respondents: The hourly compensation for the time required for record keeping for both parts 1632 and 1633 is estimated at $80.04 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' December 2025, Total compensation of all management, professional, and related occupations in goods-producing industries: *https://www.bls.gov/news.release/archives/ecec_03202026.htm*). At this rate, the annualized cost to the respondents would be $2,676,538 (33,440 hours × $80.04 = $2,676,537.60). Therefore, CPSC estimates the total cost of the information collection burden to respondents, for 16 CFR 1632 and 16 CFR 1633, is approximately $2.7 million, annually.

Response to Public Comments:

Comments:

CPSC received four public comments on the information collection. Two comments were out of scope. One commenter, a manufacturer and supplier of bedding goods, commented in support of the collection. An individual commenter also expressed support for the collection but provided suggestions to improve the burden estimates and suggestions to encourage secure electronic recordkeeping.

The individual commenter recommended that CPSC refine its burden analysis with current industry data, issue clearer compliance guidance, and promote voluntary electronic recordkeeping tools in order to better satisfy the PRA's goals of obtaining useful information while minimizing unnecessary paperwork burden. With regard to the burden estimate, the commenter stated that the five-hour estimate does not capture all the time spent maintaining electronic systems, training personnel, coordinating with laboratories and suppliers, reviewing material or design changes, responding to audits, or translating records for imported products. The commenter, however, noted that mature digital compliance systems may need less time for routine records. The commenter suggested requesting information from manufacturers and importers on burden estimates by activity and prototype type.

The commenter also provided suggestions to improve clarity and reduce unnecessary compliance costs by publishing a plain-language electronic recordkeeping guide, confirming that electronic records are acceptable, providing a voluntary standardized template for reporting, and clarifying how records for one product sold under multiple brands or channels should be organized. Lastly, the commenter suggested that the burden on small entities should be explained further, optional templates and guidance should be provided, and CPSC should solicit targeted small-entity feedback.

Response:

Prototype testing, records, and permanent labels are integral to reducing deaths and injuries associated with mattress safety and justify renewal under the PRA. CPSC's current estimate of 33,440 annual burden hours reflects these required functions. CPSC acknowledges the commenter's point that the actual time may vary based on firms' digital maturity, staff training, coordination with lab/suppliers, audits, translations, and product changes. In the June 2026 **Federal Register** 60-day notice, CPSC requested public comments on the estimated burden of the proposed collection of information. 91 FR 36811. In response, CPSC did not receive any suggested revisions to the burden estimates.

CPSC recognizes that small businesses may have fewer dedicated compliance staff and less ability to absorb testing and documentation costs. CPSC provides compliance guidance that is available to the public at CPSC's Regulatory Robot: *https://www.cpsc.gov/Business--Manufacturing/Regulatory-Robot/Safer-Products-Start-Here.* In addition, exemplar labels are included in 16 CFR 1633 Figures 12–17. CPSC also provides helpful information on suggested record keeping formats at *https://cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Mattresses/Suggested-Recordkeeping-Forms-for-16-CFR-1633.*

Small businesses can also receive guidance concerning CPSC regulations, including mattress flammability, to help them bring their products into compliance and resolve procedural issues. For more information, please see CPSC's Small Business Resources page at *https://cpsc.gov/Business--Manufacturing/Small-Business-Resources.*

Moreover, consistent with long-standing practices, firms may use any technology, including electronic recordkeeping, to compile and maintain required business records for both parts 1632 and 1633. CPSC does not prescribe how firms maintain their internal recordkeeping systems.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2026–21826 Filed 10–26–26; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of Federal Advisory Committees—Advisory Council on Health and Human Performance Optimization

AGENCY: Department of Defense (DoD).

ACTION: Establishment of Federal Advisory committee.

SUMMARY: The DoD (referred to herein as ''the Department of War'' or ''DoW'') is publishing this notice to announce it is establishing the Advisory Council on Health and Human Performance Optimization (''the Council'') as a discretionary Federal advisory committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the DoW, 703–692–5952.

SUPPLEMENTARY INFORMATION: In August 2026 and in accordance with authority described in Chapter 10 of Title 5 United States Code (U.S.C.) 1008(a)(2), the Secretary of War (SecWar) approved the establishment of the Council. The public or interested organizations may submit written statements about the Council's mission and functions.

The Council will operate in accordance with chapter 10 of title 5, U.S.C. (''commonly known as the Federal Advisory Committee Act'' or ''FACA''), and 41 Code of Federal Regulations (CFR) part 102–3, ''Federal Advisory Committee Management,'' [90 **Federal Register** 58417; December 16, 2025], and DoW policies and procedures.

Written statements may be submitted at any time or in response to the stated agenda of planned meetings of the Council. All written statements shall be submitted to the Council Designated Federal Officer (DFO), CAPT Shawn Clausen, U.S. Navy, 703–275–6060, or *shawn.s.clausen.mil@health.mil.* The DFO will ensure all written statements are provided to the membership for their consideration. Consistent with 41 CFR 102–3.65(a), the DoW is publishing the Council's Public Interest Determination.

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the Council is provided to the Secretariat to demonstrate that establishing the Council is in the public interest:

1. *Annual Budget:* The DoW estimates annual operating costs to support the Council are $1,368,170, which includes personnel travel, meetings, and contract support.

a. *Federal personnel on a full-time equivalent basis:* The estimated annual personnel costs to the DoW are 1.5 full-time equivalent at $422,043, which includes basic pay with cost-of-living allowance.

b. *Other Federal internal costs:* $861,127.

c. *Proposed payments to members:* Consistent with 10 U.S.C. 173, members of the Council are not compensated for their services, except for travel and per diem reimbursement for official Council-related business.

d. *Proposed number of members:* As authorized by the SecWar, the Council will be composed of not more than 20 members and subcommittees, if authorized, will be composed of not more than 15 members.

e. *Reimbursable costs:* The estimated reimbursement costs, to include travel, for Advisory Committee on Health and Human Performance Optimization staff and members are $85,000.

2. *If applicable, the total dollar value of grants expected to be recommended during the fiscal year:* N/A.

3. *Criteria for selecting members to ensure the committee has the necessary expertise and balanced membership:* As described in its proposed charter and membership balance plan, Council members will be talented, innovative private and public sector health care leaders and membership shall be drawn from individuals with expertise in any of the following disciplines:

(a) Urology/Andrology
(b) Endocrinology
(c) Nutrition
(d) Neurology/Brain Health
(e) Combat Stress Physiology/Military Operational Medicine
(f) Defense Health Agency Representative
(g) Lifestyle Medicine
(h) Preventive Medicine/Biostatistics/Epidemiology
(i) Orthopedics/Sports Medicine/Physical Medicine and Rehabilitation
(j) Digital Health and Wearable Technology
(k) Psychiatry/Psychology/Spiritual Resilience
(l) Sleep Medicine
(m) Strategic Foresight and Biomedical Innovation/Human Factors Engineering

In evaluating candidates for the Council, the DoW considers education, life experience, and professional credentials concerning the subject matters anticipated to be tasked to the Council. The DoW has found that viewing the complex issues facing the DoW through a multidisciplinary advisory committee provides the DoW and, more importantly, the American public with a broader understanding of the issues on which subsequent policy decisions are based. Membership shall be fairly balanced in terms of points of view represented and the functions to be performed by the Council. The Council's membership balance is not static, and the DoW Appointing Authority may change the membership based upon work assigned to the Council.

4. *List of all other DoW Federal Advisory Committees:* A complete listing of DoW Federal advisory committees can be located at: *https://www.facadatabase.gov/FACA/s/account/001t000000DCAooAAH/department-of-defense.*

5. *Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source:* The Council will serve as a high-impact, low-cost mechanism for the DoW to secure the expertise of the nation's foremost leaders at the nexus of warrior health and performance. The Council will provide knowledge derived from extensive experience with issues, techniques, and strategies that impact, optimize, and re-establish well-being and performance in the face of challenging circumstances. This expertise is essential to accelerate evaluation and potential applications of strategies to improve human performance among members of the DoW Active and Reserve Components, to maintain a ready fighting force on the leading edge of lethality, and to better care for those suffering from operational stressors and exposures.

Focused exclusively on human performance, the Council will provide the SecWar and Deputy Secretary of

War with a unique advisory capability specific to optimization of warfighter health and performance that is not otherwise available to the SecWar from within the Department. While other DoW advisory bodies focus broadly on strategic defense technology (*e.g.,* the Science, Technology, and Innovation Board) or standard clinical healthcare delivery (*e.g.,* the Defense Health Board), no other body is dedicated exclusively to the holistic optimization, rapid validation, and field-integration of human performance capabilities across Total Force Fitness (TFF) domains.

Securing this highly specialized, multi-disciplinary expertise through traditional federal hiring is prohibited by civil service recruiting timelines and caps. Fulfilling these requirements via commercial advisory contracts is cost-prohibitive, lacks the long-term continuity required for multi-year strategic programs, and cannot legally provide the independent, collective consensus advice authorized under FACA.

The Council represents an exceptionally cost-effective resource. Its membership will be drawn from volunteer subject matter experts who are highly specialized in human performance. Special Government Employee Members serve without compensation and receive only travel and per diem reimbursement for official council-related business. Once chartered, the Council and its subcommittees function as a standing advisory body, capable of initiating critical evaluations and reports without the delays associated with new procurements or contracts.

6. *If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:* N/A.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business:* The Council directly advances the Administration's core national security priorities by providing independent advice and recommendations ensuring America's warfighters' physical attributes fully align with the goal of deterring adversaries through strength—not weakness—by producing lethal, operationally ready warriors prepared physically, psychologically, for successful large-scale, high kinetic, combat operations against peer adversaries who are imbued with the essential Warrior Ethos to win decisively. The American people have entrusted the DoW and its Commanders with the Nation's most vital asset—the American Warfighter. The Commissioned and Non-Commissioned Officers leading Soldiers, Sailors, Airmen, Marines, and Guardians hold direct responsibility for the physical fitness, mental acuity, and combat focus of their teams. The modern battlefield demands physiologic resilience while operational stress impacts performance, recovery, and physiological health. The DoW maintains weapon systems and equipment with precision, discipline, and accountability, yet does not currently manage Warfighter performance with that same level of rigor. That gap directly impacts readiness, increases operational risk, and limits warrior lethality and effectiveness. Warfighter Performance Optimization (WPO) is the Department's approach to closing this gap. By building on and modernizing the principles of TFF, WPO will provide leaders with the data, tools, capabilities, and resources required to understand Warfighter performance, anticipate degradation, and take necessary actions. WPO will deliver a unified operational approach to accelerate readiness, dominance, and peak performance across the Force. The DoW treats the Warfighter as a readiness capability, held to the same disciplined evaluation, maintenance, and optimization the DoW demands of every asset that preserves combat power, optimizes performance, combats Operator Syndrome, and maximizes mission readiness to achieve total victory on any battlefield anywhere and anytime.

A component to WPO is alleviating the impact of allostatic load—the cumulative wear-and-tear on the Warrior's body from repeated exposure to stress. Many military occupations require constant readiness, prolonged separation from family, high-stakes decision-making, physical and psychological trauma, and repeated exposure to danger, often over decades. WPO and TFF work together to prevent, identify and manage combat and operational stress issues as early as possible, before they become medical problems. The Council's advice and recommendations will serve to support WPO initiatives on Warrior physiological and psychological maintenance, longevity, mobility/flexibility and stress mitigation, preparing American Warfighters to better able to handle the rigors and stress of the job in a military career.

The Council's advice and recommendations will allow the DoW to create, manage, and sustain a rapid pipeline to identify, validate, and scale innovations and capabilities that give our warfighting teams a decisive edge. This means aggressively fielding data analytics, wearables, and cutting-edge technologies across modernized TFF domains that improve performance in demanding operational environments, not just in a lab.

The Council efforts will provide a critical component in advancing the DoW's essential core business of restoring the warrior ethos, rebuilding our military and reestablishing deterrence with its focus on building and maintaining a ready, lethal fighting force prepared to dominate all aspects of battlespace and achieve peace through strength.

Dated: October 23, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–21900 Filed 10–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

Committee and Quarterly Board Meetings

AGENCY: National Assessment Governing Board, Department of Education.

ACTION: Notice of open and closed meetings.

SUMMARY: This notice sets forth the agenda, time, and instructions to access the National Assessment Governing Board's (hereafter referred to as the Board or Governing Board) standing committee meetings and quarterly Governing Board meeting. This notice provides information to members of the public who may be interested in attending the meetings and/or providing written comments related to the work of the Governing Board. The meetings will be held either in person and/or virtually, as noted below. Members of the public, whether participating in person or virtually, must register in advance. A registration link will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to each meeting.

DATES: The Quarterly Board Meeting and Standing Committee meetings will be held on the following dates:

Quarterly Board Meeting

November 19, 2026, from 9:05 a.m. to 5:00 p.m., EST

November 20, 2026, from 10:40 a.m. to 12:00 p.m. EST

Standing Committee Meetings

Executive Committee

November 19, 2026, from 8:15 a.m. to 9:00 a.m. (EST)

Assessment Development Committee

November 20, 2026, from 8:30 a.m. to 10:30 a.m. (EST)

Committee on Standards, Design and Methodology

November 20, 2026, from 8:30 a.m. to 10:30 a.m. (EST)

Reporting and Dissemination Committee

November 20, 2026, from 8:30 a.m. to 10:30 a.m. (EST)

ADDRESSES: TBD.

FOR FURTHER INFORMATION CONTACT: Angela Scott, Designated Federal Officer (DFO) for the Governing Board, 400 Maryland Avenue SW, Washington, DC 20202; telephone: (202) 245–6234; email: *Angela.Scott@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Governing Board is established under the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621). Information on the Governing Board and its work can be found at *www.nagb.gov.* Notice of the meetings is required under section 1009(a)(2) of 5 U.S.C. chapter 10 (commonly known as the Federal Advisory Committee Act). The Governing Board formulates policy for the National Assessment of Educational Progress (NAEP) administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include:

(1) selecting the subject areas to be assessed; (2) developing appropriate student achievement levels; (3) developing assessment objectives and testing specifications that produce an assessment that is valid and reliable, and which are based on relevant, widely accepted professional standards; (4) developing a process for review of the assessment, which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public; (5) designing the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large-scale surveys; (6) measuring student academic achievement in grades 4, 8, and 12 in the authorized academic subjects; (7) developing guidelines for reporting and disseminating results; (8) developing standards and procedures for regional and national comparisons; (9) taking appropriate actions needed to improve the form, content, use, and reporting of results of an assessment; and (10) planning and executing the initial public release of NAEP results.

Standing Committee Meetings

The Governing Board's standing committees will meet to conduct regularly scheduled work. Standing committee meeting agendas and meeting materials will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to the meetings. Members of the public may attend the open sessions and may register via the website. Minutes of prior standing committee meetings are available at *https://www.nagb.gov/governing-board/quarterly-board-meetings.html.*

Standing Committee Meetings

Thursday, November 19, 2026

Executive Committee (In-Person).

8:15 a.m. to 9:00 a.m. (EST), Closed Session.

The Executive Committee will meet in closed session on Thursday, November 19, 2026, from 8:15 a.m. to 9:00 a.m., to discuss the NAGB budget and receive updates on the Board's strategic priorities. This session must be closed because the discussion may impact current and future NAEP contracts and budgets and must be kept confidential to maintain the integrity of the Federal budgeting and acquisition processes. Public disclosure of this information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b(c).

Friday, November 20, 2026

Assessment Development Committee (In-Person).

8:30 a.m. to 9:50 a.m. (EST), Open Session.

9:50 a.m. to 10:30 a.m. (EST), Closed Session.

The Assessment Development Committee will convene in open session on Friday, November 20, 2026, from 8:30 a.m. to 9:50 a.m., and in closed session from 9:50 a.m. to 10:30 a.m. From 8:30 a.m. to 8:35 a.m., the committee will review the agenda. From 8:35 a.m. to 9:35 a.m., the committee will receive an update on the NAEP Civics Framework. From 9:35 a.m. to 9:50 a.m., the committee will discuss a process for evaluating the 2026 NAEP Contextual Questionnaires. The committee will transition to closed session from 9:50 a.m. to 10:30 a.m., to discuss the plans for the NAEP Long-Term Trend content documentation. This meeting will be closed to the public because it will involve discussion of unreleased assessment information and confidential budget and procurement information. Public disclosure of this information would reveal unreleased assessment content, and proprietary contract costs of the current NAEP contractors, independent government cost estimates for future assessments, and would have an adverse financial effect and significantly impede the implementation of future assessments if conducted in open session. These matters are protected from public disclosure under exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b.

Committee on Standards, Design and Methodology (In-Person).

8:30 a.m. to 10:00 a.m. (EST), Closed Session.

10:00 a.m. to 10:30 a.m. (EST), Open Session.

The Committee on Standards, Design and Methodology will meet in closed session on Friday, November 20, 2026, from 8:30 a.m. to 10:00 a.m., followed by an open session from 10:00 a.m. to 10:30 a.m. From 8:30 a.m. to 9:20 a.m., the committee will discuss plans for multi-stage testing (MST), and from 9:20 a.m. to 10:00 a.m., the committee will receive updates on 2026 evaluations and methodology in progress. This meeting will be closed to the public because it will involve discussion of unreleased and preliminary assessment data. Public disclosure of this information would reveal unreleased assessment data and content and impede the implementation of future assessments if conducted in open session. These matters are protected from public disclosure under exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b. From 10:00 a.m. to 10:30 a.m., the committee will meet in open session to discuss the committee's priorities for 2027 and beyond.

Reporting and Dissemination Committee (In-Person).

8:30 a.m. to 9:20 a.m. (EST), Open Session.

9:20 a.m. to 10:30 a.m. (EST), Closed Session.

The Reporting and Dissemination Committee will meet on Friday, November 20, 2026. The committee will convene in open session from 8:30 a.m. to 9:20 a.m., and in closed session from 9:20 a.m. to 10:30 a.m. The chair will welcome the committee from 8:30 a.m. to 8:40 a.m., followed by a strategic communications update from 8:40 a.m.

to 9:00 a.m. The committee will then discuss the evaluation of the 2026 NAEP Contextual Questionnaires from 9:00 a.m. to 9:20 a.m. The committee will meet in closed session from 9:20 a.m. to 10:30 a.m. to discuss the release plan for the 2026 NAEP results. This session must be closed because the results have not been released to the public. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. These matters are protected from public disclosure under exemption (9)B of the Government Sunshine Act, 5 U.S.C. 552b.

Quarterly Governing Board Meeting

The plenary sessions of the Governing Board's November 2026 quarterly meeting will be held on the following dates and times:

Thursday, November 19, 2026

9:05 a.m. to 5:00 p.m. (EST), Hybrid Meeting.

9:05 a.m. to 12:45 p.m. (EST), Open Session.

12:45 p.m. to 2:30 p.m. (EST), Closed Session.

2:30 p.m. to 3:30 p.m. (EST), Open Session.

3:30 p.m. to 5:00 p.m. (EST), Closed Session.

On Thursday, November 19, 2026, the Board will meet in open session from 9:05 a.m. to 12:45 p.m. The open session will begin at 9:05 a.m. with welcome remarks from Mark White, Chair of the Governing Board, followed by approval of the November 2026 agenda, and the August 2026 meeting minutes. At 9:15 a.m. to 9:45 a.m., U.S. Assistant Secretary of Elementary and Secondary Education Kirsten Baesler, will deliver remarks and administer the oath of office to new and reappointed members. From 9:45 a.m. to 10:00 a.m., newly appointed and reappointed members will deliver remarks.

At 10:00 a.m. to 10:45 a.m., Lesley Muldoon, Executive Director of the Governing Board, will provide updates on the Board's work. From 10:45 a.m. to 11:00 a.m., Matthew Soldner, Acting Commissioner, NCES, will report on key activities at NCES. The Board will receive updates on the NAEP Civics Framework from 11:00 a.m. to 12:30 p.m. Following a 15-minute transitional break to closed session, the Board will receive a briefing on embargoed data for the 2026 NAEP Grades 4 and 8 Reading and Mathematics from 12:45 p.m. to 2:30 p.m. This session must be closed because the presentation and discussion will include information on the budget and the federal acquisition process, as well as data which cannot be released to the public at this time. Public disclosure of this confidential information would significantly impede the implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b.

The board will meet in open session from 2:30 p.m. to 3:15 p.m., to discuss and take action on the NAEP Achievement Level Descriptions for Reading and Mathematics Grades 4 and 8. Following a 15-minute transitional break, the Board will meet in closed session to discuss State Trends in Test Accommodations from 3:30 p.m. to 4:30 p.m. This session must be closed because disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b.

The Board will continue in closed session from 4:30 p.m. to 5:00 p.m., for a member discussion on board governance matters and strategic priorities going forward. This discussion pertains to information of a personal nature and disclosure would constitute a clearly unwarranted invasion of personal privacy. This session will be closed pursuant to exemption 6 of the Government Sunshine Act, 5 U.S.C. 552b(c)(6).

The Thursday, November 19, 2026, session will adjourn at 5:00 p.m.

Friday, November 20, 2026

10:40 a.m. to 12:00 p.m. (EST), Hybrid Meeting.

10:40 a.m. to 12:00 p.m. (EST), Open Session.

On Friday, November 20, 2026, the Board will meet in open session from 10:40 a.m. to 12:00 p.m. From 10:40 a.m. to 11:00 a.m., the Board will discuss and take action on the release plan for NAEP 2026 Reading and Mathematics results. From 11:00 a.m. to 11:30 a.m., the Board will receive a briefing on opportunities for members to contribute to communications about NAEP results and Board policies. The Board will hear reports from its standing committees from 11:30 a.m. to 12:00 p.m. The November 20, 2026 Governing Board meeting will adjourn at 12:00 p.m.

Instructions for Accessing and Attending the Meetings

Registration: Members of the public may attend open sessions of the standing committee meetings in person only and may attend the full Governing Board on November 19–20, 2026, either in person or virtually. Attendance at closed sessions is limited to individuals approved to participate. A link to the final meeting agenda and information on how to register for the open and closed sessions will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to the meeting. Registration is required to attend the meeting, whether in person or virtually.

Public Comment: Written comments related to the work of the Governing Board and its standing committees may be submitted to the attention of the DFO, either via email to *Angela.Scott@ed.gov,* or in hard copy to the address listed above in the For Further Information Contact section. Written comments related to the standing committee meetings and the full Governing Board meeting should be submitted no later than close of business five (5) days prior to each meeting and should reference the relevant agenda item.

Access to Records of the Meeting: Pursuant to 5 U.S.C. 1009, the public may inspect the meeting materials and other Governing Board records at 500 D Street SW, Washington, DC 20024, by emailing *Angela.Scott@ed.gov* to schedule an appointment. The official verbatim transcripts of the open meeting sessions will be available for public inspection no later than thirty (30) calendar days following each meeting. Requests for the verbatim transcriptions may be made via email to the DFO.

Reasonable Accommodations: The meeting location is accessible to individuals with disabilities. If you need auxiliary aid or service to participate in the meeting (for example, an interpreter, assistive listening device, or materials in alternate format), notify the DFO listed in this notice by close of business on November 12, 2026.

Electronic Access to this Document: The official version of this document is the one published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available through GovInfo 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 Adobe Portable Document Format (PDF). To use the PDF formatted document, you must have Adobe Acrobat Reader, which is available free at the Adobe website. 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.

Authority: Pub. L. 107–279, title III, section 301—National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621).

Lesley Muldoon,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2026–21827 Filed 10–26–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Critical Material List; Addition of Helium

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

ACTION: Notice.

SUMMARY: The United States (U.S.) Department of Energy (DOE) is issuing this notice to advise the public that DOE added helium to the DOE Critical Material List. This notice also provides the link to the assessment that forms the justification for including helium on the Critical Material List. Helium is non-substitutable for multiple critical energy functions, including: semiconductor manufacturing, leak testing natural gas infrastructure, and quantum computing, along with being essential to key medical/scientific applications. Demand for helium is also growing as it enables advanced semiconductor manufacturing, which is essential for SI and data center supply chains.

ADDRESSES: The assessment that forms the justification for including helium on the Critical Material List can be found on DOE's website: *https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals.*

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to Jacob Ward, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Office of Analysis and Strategy, Forrestal Building, Room CM–1, 1000 Independence Avenue SW, Washington, DC 20585; (202) 430–2229; *jacob.ward@doe.gov.*

SUPPLEMENTARY INFORMATION: Section 7002(a)(2) of the Energy Act of 2020 (Pub. L. 116–260, div. Z, 134 Stat. 2418) defines ''critical materials'' to be: any non-fuel mineral, element, substance, or material that the Secretary of Energy determines has high risk for supply chain disruption and serves an essential function in one or more energy technologies, including technologies that produce, transmit, store, and conserve energy (referred to here as a critical material for energy) or a critical mineral (as designated by the Secretary of the Interior).[1]

On August 4, 2023, DOE published its Notice of Final Determination on 2023 DOE Critical Materials List (''Critical Materials List'').[2] The Critical Materials List includes the following:

Critical materials for energy: aluminum, cobalt, copper*, dysprosium, electrical steel* (grain-oriented electrical steel, non-grain-oriented electrical steel, and amorphous steel), fluorine, gallium, iridium, lithium, magnesium, natural graphite, neodymium, nickel, platinum, praseodymium, terbium, silicon*, and silicon carbide*.[3]

Critical minerals: The Secretary of the Interior, acting through the Director of the U.S. Geological Survey (USGS), published a 2022 final list of critical minerals that includes the following 50 minerals: Aluminum, antimony, arsenic, barite, beryllium, bismuth, cerium, cesium, chromium, cobalt, dysprosium, erbium, europium, fluorspar, gadolinium, gallium, germanium, graphite, hafnium, holmium, indium, iridium, lanthanum, lithium, lutetium, magnesium, manganese, neodymium, nickel, niobium, palladium, platinum, praseodymium, rhodium, rubidium, ruthenium, samarium, scandium, tantalum, tellurium, terbium, thulium, tin, titanium, tungsten, vanadium, ytterbium, yttrium, zinc, and zirconium.

The critical materials for energy included on the Critical Material List are based on the criticality assessed in the short- and medium-term. A detailed description of DOE's methodology can be found in its Critical Minerals Assessment published on its website in July 2023.[4] On May 22, 2025, metallurgical grade coal for steelmaking was added to DOE's list of critical materials for energy.[5]

By this notice, the Secretary of Energy advises the public of the addition of helium to DOE's Critical Material List. The assessment that forms the justification for including helium on the Critical Material List can be found on DOE's website: *https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals.* The assessment concludes that helium is needed globally for semiconductor manufacturing and other key energy applications. Meeting the policy goal of building U.S. SI infrastructure will require expansion of semiconductor production and thereby supports the determination that helium is a DOE critical material.

Furthermore, this action directly supports the President's policy goal of ''Winning the AI Race: America's AI Action Plan'' [6] and ''Advancing United States Leadership in Artificial Intelligence Infrastructure''.[7]

Signing Authority

This document of the Department of Energy was signed on October 21, 2026, by Audrey Robertson, Assistant Secretary, Office of Critical Minerals and Energy Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 23, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–21884 Filed 10–26–26; 8:45 am]

BILLING CODE 6450–01–P

[1] Section 7002(a)(2) of the Energy Act of 2020, Public Law 116–260, div. Z, 134 Stat. 2418 is codified at 30 U.S.C. 1606(a)(2).

[2] Notice of Final Determination on 2023 DOE Critical Materials List, 88 FR 51792 (August 4, 2023), *https://www.federalregister.gov/documents/2023/08/04/2023-16611/notice-of-final-determination-on-2023-doe-critical-materials-list.*

[3] Asterisks (*) indicate materials not designated as critical minerals by the Secretary of Interior.

[4] Critical Materials Assessment (July 2023) *https://www.energy.gov/sites/default/files/2023-07/doe-critical-material-assessment_07312023.pdf.*

[5] Energy Department Designates Coal Used in Steelmaking as a Critical Material, Strengthening U.S. Energy and Manufacturing Security (May 2025) *https://www.energy.gov/articles/energy-department-designates-coal-used-steelmaking-critical-material-strengthening-us.*

[6] White House Unveils America's AI Action Plan (April 2025) *https://www.whitehouse.gov/releases/2025/07/white-house-unveils-americas-ai-action-plan/.*

[7] Advancing United States Leadership in Artificial Intelligence Infrastructure (January 2025) *https://www.federalregister.gov/documents/2025/04/14/2025-06380/reinvigorating-americas-beautiful-clean-coal-industry-and-amending-executive-order-14241.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2716–051]

Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Allegheny Generating Company, and Bath County Energy, LLC; Notice of Revised Schedule for Environmental Assessment

On December 30, 2024, Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Allegheny Generating Company, and Bath County Energy, LLC (Dominion) filed a relicense application for the 2,484-megawatt Bath County Pumped Storage Project No. 2716 (project). The project is located on Back Creek and Little Back Creek in Bath, Highland, Augusta, and Rockbridge counties, Virginia. The current project boundary encompasses 3,451 acres of land, including 1,122 acres of federal land in the George Washington and Jefferson National Forests administered by the U.S. Forest Service.

In accordance with the Commission's regulations, on January 15, 2026, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. On April 7, 2026, the Commission issued a notice of intent to prepare an Environmental Assessment (EA) with a schedule indicating that staff anticipated issuing the EA on November 20, 2026. However, upon further review, staff intends to issue the EA by February 5, 2027.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised schedule is shown below. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	February 5, 2027.

Any questions regarding this notice may be directed to Andy Bernick at (202) 502–8660 or at *andrew.bernick@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21868 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1774339686.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC11–6–022]

North American Electric Reliability Corporation; Notice of Staff Review of Enforcement Programs

Commission staff coordinated with the staff of the North American Electric Reliability Corporation (NERC) to conduct the annual oversight of NERC's Find, Fix, Track and Report (FFT) program, as outlined in the Commission's March 15, 2012 order,[1] and the Compliance Exception (CE) Program, as proposed by NERC's September 18, 2015 annual compliance filing and accepted by delegated order.[2]

Commission staff reviewed a sample of 29 of 206 FFTs and 34 of 1,619 CEs submitted by NERC between October 2024 and September 2025.

Commission staff found that the FFT and CE programs are meeting the Commission's expectations in accordance with FFT Order, with limited exceptions. Specifically, Commission staff identified one instance of an FFT in which the original description was incomplete. Staff also noted in two instances of CEs that the originally posted description had an inaccurate noncompliance start or end date. All 63 FFTs and CEs have been adequately remediated, and the root cause of each noncompliance was clearly identified. Commission staff also reviewed the supporting information for these FFTs and CEs and agreed with the final risk determinations for all 63 noncompliances, which clearly identified the factors affecting the risk prior to mitigation (such as potential and actual risk) and actual harm. Further, no FFTs or CEs sampled contained any material misrepresentations by the registered entities. Commission staff found that the Regional Entities appropriately identified all 63 of the sampled noncompliances as appropriate to be processed as FFTs and CEs.

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21873 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

[1] *N. Am. Elec. Reliability Corp.,* 138 FERC ¶ 61,193, at P 73 (2012) (FFT Order) (discussing the Commission's plans to survey a random sample of FFTs submitted each year to gather information on how the FFT program is working).

[2] *N. Am. Elec. Reliability Corp.,* Docket No. RC11–6–004, at 1 (Nov. 13, 2015) (delegated order) (accepting NERC's proposal to combine the evaluation of CEs with the annual sampling of FFTs).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2569–169]

Erie Boulevard Hydropower, L.P.; Notice of Intent To Prepare an Environmental Assessment

On August 30, 2024, Erie Boulevard Hydropower, L.P. filed an application to relicense the 29.14-megawatt Black River Hydroelectric Project No. 2569. The project is located on the Black River in Jefferson County, New York.

In accordance with the Commission's regulations, on August 4, 2026, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to relicense the project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1786453610.

Participation at (202) 502–6595 or *OPP@ferc.gov*.

The application will be processed according to the following schedule. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	October 22, 2027.

Any questions regarding this notice may be directed to Nicholas Ettema at 312–596–4447, or *nicholas.ettema@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21874 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2645–176]

Erie Boulevard Hydropower, L.P.; Notice of Intent To Prepare an Environmental Assessment

On July 30, 2024, Erie Boulevard Hydropower, L.P. filed an application to relicense the 41.91-megawatt Beaver River Hydroelectric Project No. 2645. The project is located on the Beaver River in Herkimer and Lewis Counties, New York.

In accordance with the Commission's regulations, on August 4, 2026, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to relicense the project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

The application will be processed according to the following schedule. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	October 22, 2027.

Any questions regarding this notice may be directed to Nicholas Ettema at 312–596–4447, or *nicholas.ettema@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21869 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–578–000]

Florida Gas Transmission Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Phase IX Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Phase IX Project (Project) involving construction and operation of facilities by Florida Gas Transmission Company, LLC (FGT) in Mississippi, Alabama, and Florida. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on November 23, 2026. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission *before* the opening of this docket on September 9, 2026, you will need to file those comments in Docket No. CP26–578–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1786453487.

handle eminent domain cases; the Commission has no jurisdiction over these matters.

FGT provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov*.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–578–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Summary of the Proposed Project

FGT proposes to expand its existing pipeline system by constructing and operating a 42-inch-diameter mainline pipeline, lateral pipelines, compressor stations, and other aboveground facilities in Mississippi, Alabama, and Florida. The Phase IX Project would provide about 508 million cubic feet per day of additional firm natural gas transportation capacity on FGT's interstate pipeline system. According to FGT, its project would meet growing transportation needs resulting from population growth, economic development, and expansion of local distribution company loads, while maximizing the use of and expanding FGT's existing transmission infrastructure.

The Phase IX Project would consist of the following facilities:

- 9 mainline looping [1] pipeline segments with varying diameters, totaling 94.6 miles;
- modifications to 13 existing compressor stations;
- construction of two new compressor stations in Lake and De Soto Counties, Florida;
- construction of valves and pig [2] launchers/receivers; and
- 8 pig receiver station relocations.

The general location of the project facilities is shown in appendix 1.[3] A detailed summary of the project facilities is in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would disturb about 2,245 acres of land for the aboveground facilities and the pipeline. Following construction, FGT would maintain about 727 acres for permanent operation of the project's facilities; the remaining acreage would be restored.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- socioeconomics;
- land use, recreation, and visual resources;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [4] and the

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[3] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[4] For instructions on connecting to eLibrary, refer to the last page of this notice.

Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[5] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[6] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; environmental and public interest groups; other interested parties; and local libraries and media outlets. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP26–578–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. *This email address is unable to accept comments.*

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 3).

Additional Information

Additional information about the project is available from the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

(Authority: 18 CFR 2.1)

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21870 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Electric Corporate filings:

Docket Numbers: EC26–159–000.

Applicants: SunE Beacon Site 2 LLC, SunE Beacon Site 5 LLC.

Description: Supplement to 08/27/2026, Joint Application for Authorization Under Section 203 of the Federal Power Act of SunE Beacon Site 2 LLC, et al.

Filed Date: 10/20/26.

Accession Number: 20261020–5202.

Comment Date: 5 p.m. ET 10/30/26.

Docket Numbers: EC26–177–000.

Applicants: West Camp Wind Farm, LLC, Arizona Public Service Company.

Description: Supplement to 09/25/2026, Joint Application for Authorization Under Section 203 of the Federal Power Act of West Camp Wind Farm, LLC, et al.

Filed Date: 10/19/26.

Accession Number: 20261019–5212.

Comment Date: 5 p.m. ET 10/29/26.

Docket Numbers: EC27–7–000.

Applicants: Mustang Hills, LLC, Prairie Breeze Wind Energy II LLC, Prairie Breeze Wind Energy III LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Mustang Hills, LLC, et al.

Filed Date: 10/19/26.

Accession Number: 20261019–5223.

Comment Date: 5 p.m. ET 11/9/26.

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG27–16–000.

Applicants: Roccasecca BESS LLC.

Description: Roccasecca BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 10/20/26.

Accession Number: 20261020–5197.

Comment Date: 5 p.m. ET 11/10/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER26–797–002.

Applicants: EdSan 2 Solar Storage, LLC.

Description: Notice of Non-Material Change in S.tatus of EdSan 2 Solar Storage, LLC.

Filed Date: 10/19/26.

Accession Number: 20261019–5225.

Comment Date: 5 p.m. ET 11/9/26.

Docket Numbers: ER26–2924–001.

Applicants: Border Basin, LLC.

Description: Notice of Non-Material Change in Status of Border Basin, LLC.

Filed Date: 10/19/26.

Accession Number: 20261019–5220.

Comment Date: 5 p.m. ET 11/9/26.

Docket Numbers: ER26–3831–001.

Applicants: Cedar 2 SES LLC.

Description: Tariff Amendment: Request to Defer Tariff Effective Date to be effective 12/15/2026.

[5] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[6] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Filed Date: 10/22/26.
Accession Number: 20261022–5081.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–235–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2026–10–21 Markets+ Tariff Revisions to be effective 3/31/2027.
Filed Date: 10/21/26.
Accession Number: 20261021–5143.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–236–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: DEA, SA No.7991 between PJM and Jersey Central Power & Light Company to be effective 9/23/2026.
Filed Date: 10/21/26.
Accession Number: 20261021–5164.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–237–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–10–22_SA 4892 NSP-Big Bend Wind GIA (S1054) to be effective 10/14/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5033.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–238–000.
Applicants: Tait Electric Generating Station, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and MBR Tariff Changes to be effective 12/22/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5051.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–239–000.
Applicants: Lee County Generating Station, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and MBR Tariff Changes to be effective 12/22/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5052.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–240–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–10–22_SA 4890 Ameren IL-Panther Solar B912 FSA (J1306) to be effective 12/22/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5055.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–241–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–10–22_SA 4288 Ameren IL-Panther Solar B912 2nd Rev GIA (J1306) to be effective 12/22/2026..
Filed Date: 10/22/26.
Accession Number: 20261022–5060.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–242–000.
Applicants: Duke Energy Progress, LLC.
Description: Duke Energy Progress, LLC submits a Notie of Cancellation of Contracts both Rate Schedules and Service Agreements in Anticipation of Internal Reorganization Consummation.
Filed Date: 10/20/26.
Accession Number: 20261020–5206.
Comment Date: 5 p.m. ET 11/10/26.
Docket Numbers: ER27–243–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 19 to be effective 12/22/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5070.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–244–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 330, Dynamic Transfer Agreement w. IID to be effective 12/14/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5078.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–245–000.
Applicants: Upper Missouri G. & T. Electric Cooperative, Inc.
Description: Tariff Amendment: Notice of Cancellation of FERC Electric Tariff Volume No. 1 to be effective 10/23/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5098.
Comment Date: 5 p.m. ET 11/12/26.
Docket Numbers: ER27–246–000.
Applicants: Upper Missouri G. & T. Electric Cooperative, Inc.
Description: Tariff Amendment: Notice of Cancellation of FERC Rate Schedules Nos. 1 through 12 to be effective 10/23/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5107.
Comment Date: 5 p.m. ET 11/12/26.

Take notice that the Commission received the following Electric Securities filings:

Docket Numbers: ES27–5–000.
Applicants: Duquesne Light Company.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Duquesne Light Company.
Filed Date: 10/19/26.
Accession Number: 20261019–5221.
Comment Date: 5 p.m. ET 11/9/26.

Take notice that the Commission received the following Electric Reliability filings:

Docket Numbers: RR27–1–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition of the North American Electric Reliability Corporation for Approval of Revisions to the NERC Rules of Procedure Regarding Computational Load and Request for Expedited Action.
Filed Date: 10/21/26.
Accession Number: 20261021–5204.
Comment Date: 5 p.m. ET 11/20/26.

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21877 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5089–027]

Fall River Electric Cooperative, Inc.; Notice of Revised Schedule for Environmental Assessment

On August 31, 2021, Fall River Electric Cooperative, Inc. (Fall River) filed an application for a new major license for the existing 7.45-megawatt Felt Hydroelectric Project (Felt Project;

FERC No. 5089). The Felt Project is located on the Teton River in Teton County, Idaho. The project occupies federal lands administered by the U.S. Bureau of Land Management.

In accordance with the Commission's regulations, on October 1, 2025, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. On December 15, 2025, the Commission issued a notice of intent to prepare an Environmental Assessment (EA) with a schedule indicating that staff anticipated issuing the EA on August 31, 2026. On July 29, 2026, the Commission issued a notice of intent to prepare an EA with a schedule indicating that staff anticipated issuing the EA on October 30, 2026. However, upon further review, staff intends to issue the EA by December 15, 2026.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised schedule is shown below. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	December 15, 2026.

Any questions regarding this notice may be directed to Ingrid Brofman at (202) 502–8347 or at *ingrid.brofman@ferc.gov*.

(Authority: 18 CFR 2.1.)

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21867 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1764758177.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2538–102]

Erie Boulevard Hydropower, L.P. Notice of Intent To Prepare an Environmental Assessment

On August 30, 2024, Erie Boulevard Hydropower, L.P. filed an application to relicense the 7.75-megawatt Beebee Island Hydroelectric Project No. 2538. The project is located on the Black River in Jefferson County, New York.

In accordance with the Commission's regulations, on August 4, 2026, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to relicense the project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

The application will be processed according to the following schedule. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	October 22, 2027.

Any questions regarding this notice may be directed to Nicholas Ettema at 312–596–4447, or *nicholas.ettema@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: October 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21866 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1786453735.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR27–4–000.
Applicants: Aethon United Pipeline LP.
Description: § 284.123(g) Rate Filing: Normal filing 2026 Diamond Resources United Pipeline to be effective 10/21/2026.
Filed Date: 10/21/26.
Accession Number: 20261021–5113.
Comment Date: 5 p.m. ET 11/10/26.
§ 284.123(g) Protest: 5 p.m. ET 12/21/26.

Docket Numbers: RP26–864–000.
Applicants: Calpine Energy Services, L.P., Calpine Bethlehem, LLC, First State Generation, LLC, Calpine Mid Merit, LLC, Pathfinder Power, LLC.
Description: Joint Request of Calpine Energy Services, L.P., et al. for Extension of Limited Waiver et al.
Filed Date: 10/16/26.
Accession Number: 20261016–5181.
Comment Date: 5 p.m. ET 10/28/26.

Docket Numbers: RP27–55–000,
Applicants: Millennium Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Eff 11.1.26 to be effective 11/1/2026.
Filed Date: 10/22/26.
Accession Number: 20261022–5063.
Comment Date: 5 p.m. ET 11/3/26.

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: RP26–1150–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Report Filing: SNG NAESB Supplemental Filing to be effective N/A.
Filed Date: 10/22/26.
Accession Number: 20261022–5032.
Comment Date: 5 p.m. ET 11/3/26.

Docket Numbers: RP26–1151–000.
Applicants: Midcontinent Express Pipeline LLC.

Description: Report Filing: MEP NAESB Supplemental Filing to be effective N/A.

Filed Date: 10/22/26.

Accession Number: 20261022–5027.

Comment Date: 5 p.m. ET 11/3/26.

Docket Numbers: RP26–1154–000.

Applicants: Elba Express Company, L.L.C.

Description: Report Filing: EEC NAESB Supplemental Filing to be effective N/A.

Filed Date: 10/22/26.

Accession Number: 20261022–5022.

Comment Date: 5 p.m. ET 11/3/26.

Docket Numbers: RP26–1155–000.

Applicants: Southern LNG Company, L.L.C.

Description: Report Filing: SLNG NAESB Supplemental Filing to be effective N/A.

Filed Date: 10/22/26.

Accession Number: 20261022–5023.

Comment Date: 5 p.m. ET 11/3/26.

Docket Numbers: RP26–1236–001.

Applicants: Double E Pipeline, LLC.

Description: Compliance filing: Amendment to Order No. 587–AB Compliance Filing (RP26–1236–) to be effective 1/1/2027.

Filed Date: 10/21/26.

Accession Number: 20261021–5093.

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21875 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER26–2373–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2026–10–22_SA 4748 Deficiency Response Entergy Texas-Entergy Texas GIA (E0030) to be effective 6/29/2026.

Filed Date: 10/22/26.

Accession Number: 20261022–5159.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER26–2374–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2026–10–22_SA 4749 Deficiency Resp. Entergy Texas-OTP–NSP–ITC–MEC JTIQ (E0030) to be effective 6/29/2026.

Filed Date: 10/22/26.

Accession Number: 20261022–5162.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER26–3265–001.

Applicants: American Transmission Company LLC, Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: American Transmission Company LLC submits tariff filing per 35.17(b): 2026–10–22_SA 4200–4202, 4205, 4810 Deficiency ATC–WEPCo Revised LLPCAs & MTCA to be effective 7/1/2026.

Filed Date: 10/22/26.

Accession Number: 20261022–5155.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER27–247–000.

Applicants: Midcontinent Independent System Operator, Inc., Republic Transmission, LLC.

Description: § 205(d) Rate Filing: Republic Transmission, LLC submits tariff filing per 35.13(a)(2)(iii: 2026–10–22_Republic Transmission Correction to Depreciation Rates to be effective 9/1/2026.

Filed Date: 10/22/26.

Accession Number: 20261022–5124.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER27–248–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6777; Queue No. AE1–103 to be effective 12/22/2026.

Filed Date: 10/22/26.

Accession Number: 20261022–5128.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER27–249–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 12 to be effective 12/22/2026.

Filed Date: 10/22/26.

Accession Number: 20261022–5129.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER27–250–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC-Haywood Amended NITSA SA No. 397 to be effective 12/31/9998.

Filed Date: 10/22/26.

Accession Number: 20261022–5152.

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–21876 Filed 10–26–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13436–01–OAR]

Official Release of the MOVES6 Motor Vehicle Emissions Model for SIPs and Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing

the availability of the latest major release of the MOtor Vehicle Emission Simulator (MOVES) model, MOVES6. MOVES6 is the latest version of the EPA's state-of-the-science modeling tool for estimating emissions from cars, trucks, buses, and motorcycles based on the latest data and regulations. MOVES6 is available for use in State Implementation Plans (SIPs) and transportation conformity analyses. This notice starts a two-year grace period before MOVES6 will be required for use in transportation conformity determinations, both in new regional emissions analyses and in new hot-spot analyses.

DATES: The EPA's announcement of the MOVES6 emissions model for SIPs and transportation conformity determinations in States other than California is effective October 27, 2026. This announcement starts a two-year transportation conformity grace period that ends on October 27, 2028. After this date, MOVES6 will be required for use as the latest EPA emissions model for new transportation conformity analyses other than California in both regional emissions analyses and in hot-spot analyses.

FOR FURTHER INFORMATION CONTACT: For technical model questions regarding the use of MOVES6, please email *moves@epa.gov*. For questions about SIPs, contact Kaitlyn Leffert at *leffert.kaitlyn@epa.gov*. For questions about transportation conformity, contact Aaron Letterly at *letterly.aaron@epa.gov*.

SUPPLEMENTARY INFORMATION:

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

ACT Advanced Clean Trucks
CO Carbon Monoxide
CAA Clean Air Act
CFR Code of Federal Regulations
CNG Compressed Natural Gas
DOE Department of Energy
DOT Department of Transportation
EMFAC EMissions FACtors
EPA Environmental Protection Agency
EV Electric Vehicle
FHWA Federal Highway Administration
FR Federal Register
FTA Federal Transit Administration
GHG Greenhouse Gas
HC Hydrocarbons
MPO Metropolitan Planning Organization
MOVES MOtor Vehicle Emission Simulator
MY Model Year
NAAQS National Ambient Air Quality Standards
NO_2 Nitrogen Dioxide
NO_X Nitrogen Oxides
PM Particulate Matter
TIP Transportation Improvement Program
SIP State Implementation Plan
VMT Vehicle Miles Traveled
VOC Volatile Organic Compounds

Table of Contents

I. General Information
II. What is MOVES6?
III. SIPs and MOVES6
IV. Transportation Conformity and MOVES6

I. General Information

A. Does this action apply to me?

Entities potentially impacted by the approval of MOVES6 are those that adopt, approve, or fund transportation plans, transportation improvement programs (TIPs), or transportation projects as defined in 40 CFR 93.101 and those that develop and submit SIPs to the EPA. Regulated categories and entities potentially affected by this action include:

Category	Examples of regulated entities
Local government	Local air quality and transportation agencies, including metropolitan planning organizations (MPOs).
State government	State air quality and transportation agencies.
Federal government	U.S. Department of Transportation (Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)).

This table is not intended to be exhaustive but rather provides a guide for readers regarding entities likely to be affected by the release of MOVES. Other entities not listed in the table could also be affected. To determine whether your organization is affected by this action, you should carefully examine the transportation conformity applicability requirements in 40 CFR 93.102. If you have questions regarding the applicability of this action to a particular entity, consult the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How can I get copies of MOVES6 and other related information?

The official version of the MOVES6 model and supporting documentation are available on the EPA's MOVES website at: *https://www.epa.gov/moves*. Individuals who want to receive EPA announcements related to the MOVES6 model can follow instructions linked from the MOVES website at: *https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves* to receive EPA email announcements related to MOVES and MOVES guidance.

Available guidance on how to apply MOVES6 for SIPs and transportation conformity purposes can be found on the EPA's transportation conformity website, *https://www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation*,[1] including the ''MOVES6 Policy Guidance: Use of MOVES for State Implementation Plan Development, Transportation Conformity, General Conformity, and Other Purposes,'' [2] referred to in this notice as the ''MOVES6 Policy Guidance.'' This website also includes the ''MOVES6 Technical Guidance: Using MOVES to Prepare Emission Inventories in State Implementation Plans and Transportation Conformity.'' [3]

The EPA will continue to update these websites as other MOVES support materials and guidance are developed or updated.

II. What is MOVES6?

MOVES6 is the EPA's latest official motor vehicle emissions model for State and local agencies to estimate volatile organic compounds (VOCs), nitrogen oxides (NO_X), particulate matter ($PM_{2.5}$ and PM_{10}), carbon monoxide (CO), and other pollutants and precursors from cars, trucks, buses, and motorcycles for SIP purposes and transportation conformity determinations other than California.[4] MOVES6 represents the

[1] Interested parties can find these documents under the ''Emission Models and Conformity'' and ''Project-Level Conformity'' topics on this website.

[2] EPA–403–B–26–001, October 2026.

[3] EPA–403–B–26–002, October 2026.

[4] In California, a different onroad emissions model, the EMissions FACtors (EMFAC) model, is used for regulatory purposes instead of MOVES. MOVES can also model emissions in the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

sixth major release of the MOVES series of models.

MOVES is a flexible model using a variety of input and output options, allowing more than one way to develop emissions estimates. Like its predecessors, MOVES6 includes the capability to estimate criteria pollutant and precursor emissions from vehicle exhaust and evaporative emissions as well as brake wear and tire wear emissions. Also, like previous versions, MOVES6 does not include the capability to estimate emissions of re-entrained road dust. To estimate emissions from re-entrained road dust, practitioners should continue to use the latest approved methodologies.[5]

The EPA is releasing MOVES6 to account for important legislative and regulatory changes. On February 12, 2026, the EPA finalized the Endangerment Finding Rescission Rule that repealed all greenhouse gas (GHG) emission standards for light-, medium-, and heavy-duty on-highway vehicles and engines.[6] MOVES6 accounts for this change and also accounts for the Congressional disapproval of the waiver for California's Advanced Clean Trucks (ACT) regulations.[7] MOVES6 also accounts for legislation that reduced incentives for electric vehicles (EVs) and EV charging infrastructure.[8]

Previous versions of the MOVES model (*i.e.*, MOVES5 and MOVES4) both accounted for the GHG vehicle standards in effect at the time those models were released, projecting that GHG standards would be met through greater adoption of EVs over time.[9] However, these GHG standards have since been rescinded.[10] In MOVES6, the EPA updated energy consumption rates and adjusted assumptions about the fraction of EVs and other fuel types.[11] MOVES6 still projects that some fraction of vehicles are EVs in future years, but these fractions by year are generally smaller than in MOVES5 and MOVES4. In addition, MOVES6 includes updated activity data and fixes incorrect values in MOVES5.

There are no changes to the MOVES interface since MOVES5. The significant changes in MOVES6 are summarized below:

- EV fractions were reduced to account for the repeal of GHG standards and reductions in incentives for EVs and EV infrastructure. Medium- and heavy-duty EV fractions were also reduced to account for Congressional disapproval of the waiver for California's ACT regulations that included heavy-duty zero emission vehicle requirements.
- Energy consumption rates for model year (MY) 2017–2024 were updated based on real-world data from the EPA's 2025 Automotive Trends Report.[12] Rates for MY 2025 and later continued these trends.
- Historical and projected vehicle miles traveled (VMT) and vehicle populations were updated using the latest data on school buses and transit buses, as well as updated values from the U.S. Federal Highway Administration (FHWA) Highway Statistics (2024) and the DOE Annual Energy Outlook (2025).
- Emission rates were corrected to fix minor errors in MOVES5. The fixes affected exhaust hydrocarbon (HC), NO_X, and PM from MYs 2031 and later medium-duty (Class 2b and 3) trucks, CO from MYs 2027 and later light-duty cars and trucks, and tire wear from all compressed natural gas (CNG) heavy-heavy-duty (Class 8) trucks.
- Gasoline properties in a few counties were updated to account for new data and changes to local fuel requirements since MOVES5.

As a result of all these changes, estimates of emissions from MOVES6 may differ from earlier versions of MOVES. The net impact of these changes on estimated emissions will depend on many factors, including the specific area being modeled and the inputs used.

For additional information on the updates included in MOVES6, please refer to the ''Overview of EPA's MOtor Vehicle Emission Simulator (MOVES6),'' found at the EPA's MOVES website. Specific information about MOVES6 inputs and algorithms can be found on the EPA's websites for MOVES Onroad Technical Reports and MOVES Nonroad Technical Reports.[13]

III. SIPs and MOVES6

The EPA has articulated the Agency's policy regarding the use of MOVES6 in SIP development in the MOVES6 Policy Guidance. This notice highlights certain aspects of the guidance, but State and local governments should refer to the guidance for more detailed information on how and when to use MOVES6 in reasonable further progress SIPs, attainment demonstrations, maintenance plans, inventory updates, and other SIP submissions.

The Clean Air Act (CAA) and implementation rules for the National Ambient Air Quality Standards (NAAQS) describe how SIP inventories and control measures should be based on the most current information and applicable models available when a SIP is developed.[14] Therefore, States should use the latest version of MOVES and planning assumptions available at the time that a SIP is developed to ensure the SIP is based on the most accurate estimates of emissions possible. Now that MOVES6 is available, it should be used in ozone, CO, PM, and nitrogen dioxide (NO_2) SIP development for all States other than California as expeditiously as possible, as there is no grace period for the use of MOVES6 in SIPs. For example, MOVES6 should be used if a State is in the early stages of SIP development and significant work has not yet occurred or if work has not yet started for a new SIP requirement.

The EPA also recognizes the time and level of effort involved in SIP development. In cases in which State and local agencies have already completed significant work on a SIP with MOVES5 or MOVES4 as of the MOVES6 release, they may continue to rely on this earlier version. For instance, SIP development may continue if a State has progressed far enough along that

[5] *See* the EPA's Notice of Availability, Official Release of the January 2011 AP–42 Method for Estimating Re-Entrained Road Dust from Paved Roads (76 FR 6328; Feb. 4, 2011).

[6] 91 FR 7686 (Feb. 18, 2026) (the ''Endangerment Finding Rescission Rule'').

[7] In 2025, Congress enacted joint resolutions of disapproval under the Congressional Review Act for certain preemption waivers that the EPA had previously issued pursuant to CAA section 209, including ACT (*see* H.J. Res. 87). President Trump signed the resolution into law (*see* Pub. L. 119–15, 139 Stat. 65 (June 12, 2025)). This resolution provides that the corresponding waiver ''shall have no force or effect.'' As a result, the EPA's prior preemption waiver for ACT has no force or effect. Accordingly, ACT is preempted by the CAA, meaning that a State can no longer enforce or attempt to enforce the ACT regulations and that estimated emissions reductions attributed to the ACT regulations cannot be used for the CAA purposes of SIP development or conformity determinations.

[8] *See* Public Law 119–21, 139 Stat. 72 (July 4, 2025).

[9] *See* the EPA's Notice of Availability, Official release of the MOVES5 Motor Vehicle Emissions Model for SIPs and Transportation Conformity (89 FR 99862; Dec. 11, 2024). *See also* the EPA's Notice of Availability, Official release of the MOVES4 Motor Vehicle Emissions Model for SIPs and Transportation Conformity (88 FR 62567; Sept. 12, 2023). MOVES3 does not include EVs in the default information.

[10] *See* 91 FR 7686 (Feb. 18, 2026).

[11] The projections are based on the U.S. Department of Energy (DOE), U.S. Energy Information Administration ''Annual Energy Outlook 2025: Case Descriptions'' at 9 (explaining the alternate transportation case description) at: *https://www.eia.gov/outlooks/archive/aeo25/assumptions/pdf/case_descriptions.pdf*.

[12] *See* U.S. Environmental Protection Agency. (2026). The 2025 EPA Automotive Trends Report: Fuel Economy and Technology since 1975. EPA–420–R–26–001.

[13] For more information, see the EPA's MOVES website at: *https://www.epa.gov/moves*.

[14] *See* CAA section 172(c)(3). *See also* 81 FR 58029 (Aug. 24, 2016) and 83 FR 63022 (Dec. 6, 2018).

switching from a previous model version would create a significant adverse impact on State resources (*e.g.*, if attainment modeling has already been completed with MOVES5 or MOVES4 prior to the MOVES6 release). However, as noted in section II of this notice, MOVES5 and MOVES4 contain national default EV projections that do not reflect the Endangerment Finding Rescission Rule or other updates in MOVES6. *See* sections 1.5 and 2.1 of the MOVES6 Policy Guidance for more information on using previous versions of MOVES in SIP development, including details on how to adjust EV projections in MOVES5 and MOVES4.

States should consult with their EPA Regional Office if they have questions about how MOVES6 affects SIPs under development in specific nonattainment or maintenance areas. Early consultation can facilitate the EPA's consideration of whether to make an adequacy finding for transportation conformity purposes as well as the Agency's consideration of a SIP submission.

The EPA does not require States to revise submitted SIPs or SIPs that have already been approved simply because a new motor vehicle emissions model is now available.[15] States can, however, choose to update these SIPs with MOVES6, for example, if it is determined that it is appropriate to update motor vehicle emissions budgets (''budgets'') with the model for future transportation conformity determinations.[16]

The EPA recognizes that States may have relied on the EV assumptions in MOVES5 and MOVES4 in SIP development based on the Agency's statements in previous versions of the MOVES Policy and Technical Guidance. The EPA expects limited cases in which State and local agencies have already completed significant work with MOVES5 or MOVES4 and submitted a SIP prior to or shortly after the Endangerment Finding Rescission Rule. When evaluating these SIP submittals, the EPA will consider the latest MOVES model, assumptions, and guidance information available to a State at the time it developed its SIP.

For complete explanations of how MOVES6 is to be implemented for SIP purposes, refer to the MOVES6 Policy Guidance.

IV. Transportation Conformity and MOVES6

Transportation conformity is required under CAA section 176(c) to ensure that federally funded or approved highway and transit activities are consistent with (*i.e.,* ''conform to'') the purpose of the SIP. Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones.[17] The EPA's transportation conformity regulations establish the criteria and procedures for determining whether metropolitan transportation plans, TIPs, and federally supported highway and transit projects conform to the SIP.[18] Transportation conformity applies to designated nonattainment and maintenance areas for transportation-related criteria pollutants: ozone, $PM_{2.5}$, PM_{10}, CO, and NO_2.[19]

The EPA has articulated the Agency's policy regarding the use of MOVES6 in transportation conformity determinations in the MOVES6 Policy Guidance. This notice highlights certain aspects of the guidance, but State and local governments should refer to the guidance for more detailed information on how and when to use MOVES6 in transportation conformity determinations.

In this notice, the EPA is announcing the availability of MOVES6 for use in transportation conformity determinations other than California. The EPA is also establishing a two-year grace period before MOVES6 will be required for use in regional emissions analyses for transportation conformity determinations of transportation plans and TIPs and in hot-spot analyses for project-level transportation conformity determinations that use the EPA's emissions model.[20] The MOVES6 grace period for regional emissions and hot-spot analyses applies to the use of MOVES6 and any future minor revisions that occur during the grace period.

This MOVES6 grace period is separate and distinct from the two-year grace period established with the release of the previous version of the model, MOVES5. The two-year grace period established by the EPA's December 2024 MOVES5 Notice of Availability in the **Federal Register** is unchanged by the release of MOVES6 and continues to be in effect until December 11, 2026.[21]

The EPA also notes that MOVES6 includes the latest information for the national default projections of EVs, whereas the information in earlier versions of MOVES5 and MOVES4 needs to be updated for new or delayed analyses after the MOVES6 release.[22] During the two-year MOVES6 grace period, modelers beginning new analyses with MOVES5 may not rely on MOVES5 national defaults for projections of EVs. *See* additional information below in sections IV.C. and D. of this notice and in the EPA's MOVES6 Policy Guidance.[23]

The remainder of this section describes how the transportation conformity grace period was determined and summarizes how it will be implemented, including those circumstances in which the MOVES6 grace period could be shorter than two years for regional emissions analyses. However, for complete explanations regarding transportation conformity, refer to the MOVES6 Policy Guidance.

A. Why is the EPA establishing a two-year transportation conformity grace period?

CAA section 176(c)(1) states that ''. . . [t]he determination of conformity shall be based on the most recent estimates of emissions, and such estimates shall be determined from the most recent population, employment, travel, and congestion estimates. . . .''[24] Additionally, the transportation conformity regulations require conformity determinations to be based on ''the latest emission estimation model available,'' and further state that this requirement is satisfied if the most current version of the EPA's motor vehicle emissions model is used in the conformity analysis.[25] When the EPA announces a new emissions model, such as MOVES6, the Agency establishes a grace period before the model must be used for transportation conformity purposes.[26] In consultation with the

[15] *See Sierra Club* v. *EPA*, 356 F.3d. 296, 308 (D.C. Cir. 2004) (''To require states to revise completed plans every time a new model is announced would lead to significant costs and potentially endless delays in the approval processes.'').

[16] *See* 40 CFR 93.101, (definition of ''motor vehicle emissions budget'').

[17] *See* 42 U.S.C. 7506(c).

[18] *See* 40 CFR parts 51 and 93.

[19] ''Maintenance areas'' are those areas initially designated nonattainment for a criteria pollutant and subsequently redesignated to attainment after 1990. Maintenance areas have SIPs developed under CAA section 175A. *See also* 40 CFR 93.101.

[20] The grace period also applies in the case that a regional emissions analysis is done for a project not included in a conforming transportation plan or TIP (*i.e.,* a project in an isolated rural area). *See* the transportation conformity regulations at 40 CFR 93.101 for the definition of an isolated rural area and 40 CFR 93.109(g) for how conformity is done in an isolated rural area.

[21] *See* 89 FR 99862 (Dec. 11, 2024).

[22] *See* 40 CFR 93.110(a).

[23] Modelers that begin new analyses using MOVES4 during the MOVES5 grace period must also change the EV projections.

[24] 42 U.S.C. 7506(c)(1).

[25] *See* 40 CFR 93.111.

[26] *See* 40 CFR 93.111(b).

U.S. Department of Transportation (DOT), the EPA must consider the degree of change in the emissions model and the effects of the new model on the transportation planning process.[27] The transportation conformity regulations provide that the EPA will establish a grace period for new emissions models of between three and 24 months.[28]

The EPA articulated its intentions for establishing the length of a grace period in the preamble to the 1993 transportation conformity rule:

''EPA and DOT will consider extending the grace period if the effects of the new emissions model are so significant that previous SIP demonstrations of what emission levels are consistent with attainment would be substantially affected. In such cases, States should have an opportunity to revise their SIPs before MPOs must use the model's new emissions factors.'' [29]

In consultation with DOT, the EPA considered the degree of change in MOVES6 and the effects of the new model on the transportation planning process.[30] The EPA considered the transition of State and local transportation and air quality agencies to conduct and provide technical support for analyses for MOVES6. Since 1993, the fundamental purpose of 40 CFR 93.111(b) of the transportation conformity regulations has been to provide a sufficient amount of time for MPOs and other State and local agencies to learn and employ new emissions models. The transition to a new emissions model involves preparing input data and model output as well as considering how the model affects regional emissions analysis results and whether SIP and/or transportation plan/TIP changes are necessary.

The EPA provides guidance on how to run the latest MOVES version for SIP and transportation conformity purposes with the release of the model.[31] Generally, existing guidance and training applies to MOVES6 as noted on the EPA's website, and the Agency will notify MOVES6 users when updates to these materials are available. Training materials will continue to address different levels of State and local expertise.

Upon consideration of these factors, the EPA is establishing a two-year grace period, which begins today, October 27, 2026, and ends on October 27, 2028, before MOVES6 needs to be used for new transportation conformity analyses in States other than California.

B. Circumstances in Which the MOVES6 Grace Period Will Be Shorter Than Two Years

The MOVES6 grace period for regional emissions analyses will be shorter than two years for a given pollutant if an area revises its SIP and motor vehicle emissions budgets with MOVES6 and such budgets have been found adequate or approved into the SIP prior to the end of the two-year grace period. In this case, the new regional emissions analysis must use MOVES6 because the transportation conformity determination would be demonstrating consistency with a MOVES6-based budget.[32]

Areas designated nonattainment or maintenance for more than one pollutant may rely on both MOVES6 and MOVES5 to determine transportation conformity for different pollutants during the MOVES6 grace period. In addition, the length of the MOVES6 grace period for hot-spot analyses would not be affected by an early submission of MOVES6-based budgets. The appropriate EPA Regional Office should be consulted regarding situations in multi-pollutant areas.

C. Use of MOVES6 for Regional Emissions Analyses During the Grace Period

During the transportation conformity grace period, areas should use interagency consultation to examine how MOVES6 will impact their regional emissions analyses and future transportation plan and TIP conformity determinations.[33] Areas should carefully consider whether the SIP and budget(s) should be revised with MOVES6 or if transportation plans and TIPs should be revised before the end of the grace period. The transportation conformity regulations also provide flexibility in that regional emissions analyses started with MOVES5 before or during the MOVES6 grace period can be completed using MOVES5.[34]

It is also important that transportation conformity determinations continue to meet the requirements for using the latest planning assumptions.[35] Under the transportation conformity regulations, the latest planning assumptions must be used when the conformity analysis begins, but if new information becomes available after that point, it does not need to be included unless a significant delay in the analysis occurs as determined through interagency consultation. As described in section II of this notice, MOVES6 incorporates applicable Federal vehicle standards, including the effects of the EPA's Endangerment Finding Rescission Rule as well as other updates that provide the latest information for the national default projections of EVs. Below is an overview for meeting the latest planning assumptions requirements during this model transition:

- For transportation conformity analyses started before the release of MOVES6, the national default EV projections in MOVES5 can be used by transportation agencies as part of their latest planning assumptions so long as the analysis has already begun (*i.e.,* the analysis was started prior to the MOVES6 release) and there is no significant delay in the analysis.[36]
- For transportation conformity determinations in which the analysis starts after the release of MOVES6, modelers must either update their MOVES5 modeling to include updated EV fraction projections or use MOVES6.

When the MOVES6 grace period ends, MOVES6 will replace MOVES5 as the latest EPA emissions model for all new transportation conformity analyses. State and local agencies are encouraged to transition sooner to MOVES6 to use the latest information and other model improvements. *See* sections 1.5 and 3.5 of the MOVES6 Policy Guidance for further details.

When the grace period ends on October 27, 2028, MOVES6 will become the only EPA motor vehicle emissions model for regional emissions analyses for transportation conformity in States other than California. In general, this means that all new transportation plans and TIP conformity determinations started after the end of the grace period must be based on MOVES6, even if the SIP is based on MOVES5 or an older version of the MOVES model.

D. Use of MOVES6 for Project-Level Hot-Spot Analyses During the Conformity Grace Period

The MOVES6 grace period also applies to the use of MOVES6 for CO, PM_{10}, and $PM_{2.5}$ hot-spot analyses. The transportation conformity regulations contain the requirements for when a hot-spot analysis is required for project-

[27] *See* 40 CFR 93.111(b)(2).

[28] *See* 40 CFR 93.111(b)(1).

[29] *See* 58 FR 62211 (Nov. 24, 1993).

[30] *See* 40 CFR 93.111(b)(2).

[31] Refer to the EPA's ''MOVES6 Technical Guidance: Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity,'' EPA–403–B–26–002, October 2026, available on the EPA's website at: *https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves.*

[32] *See* 40 CFR 93.111.

[33] Isolated rural areas should also consider how future regional emissions analyses will be affected when MOVES6 is required, if such an analysis is anticipated.

[34] *See* 40 CFR 93.111(c).

[35] *See* 40 CFR 93.110.

[36] *See* 40 CFR 93.110(a).

level conformity determinations.[37] The transportation conformity regulations provide flexibility for analyses started before the end of the grace period. A conformity determination for a transportation project may be based on a previous model if the analysis was begun before the end of the grace period and if the final environmental document for the project is issued no more than three years after the issuance of the draft environmental document.[38]

Project-level transportation conformity determinations in which the hot-spot analysis has already begun (*i.e.,* the analysis was started prior to the MOVES6 release) with MOVES5 may have included the model's national default EV projections. These transportation conformity determinations may be completed because those EV projections were relied on as the most recent assumptions when the analysis began. For these conformity determinations, the interagency consultation process should be used to confirm when the analysis began, the EV projections used, and whether there is any delay in the analysis that would require new EV projections to be included.

For CO, PM_{10}, and $PM_{2.5}$ hot-spot analyses that start during the MOVES6 grace period, project sponsors can choose to use MOVES6 or MOVES5. If MOVES5 is used, modelers must update their MOVES5 modeling to include updated EV fraction projections. Any new CO, PM_{10}, or $PM_{2.5}$ hot-spot analyses for transportation conformity purposes begun after the end of the MOVES6 grace period must be based on MOVES6.

Interagency consultation must be used to evaluate and choose model(s) and associated methods and assumptions to be used in transportation conformity hot-spot analyses and regional emissions analyses.[39] For questions about how the MOVES grace periods apply in a project-level conformity determination, contact your EPA Regional Office.

See the EPA's ''Project-level Conformity'' website, *https://www.epa.gov/state-and-local-transportation/project-level-conformity-and-hot-spot-analyses,* for the latest information and guidance documents for hot-spot analyses. *See* sections 1.5 and 3.7 of the MOVES6 Policy Guidance for further details.

Abigale D. Tardif,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–21843 Filed 10–26–26; 8:45 am]

BILLING CODE 6569–60–P

[37] *See* 40 CFR 93.116 and 93.123. In CO nonattainment and maintenance areas, a hot-spot analysis is required for all non-exempt projects, with quantitative hot-spot analyses being required for larger, congested intersections and other projects. In $PM_{2.5}$ and PM_{10} nonattainment and maintenance areas, the transportation conformity regulations require that a quantitative hot-spot analysis be completed for certain projects.

[38] *See* 40 CFR 93.111(c).

[39] *See* 40 CFR 93.105(c)(1)(i).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Extension Without Change of an Existing Collection; Comment Request

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a three-year extension without change of the existing information collection described below. The Commission is seeking public comment on the proposed extension.

DATES: Written comments on this notice must be submitted on or before December 28, 2026.

ADDRESSES: You may submit comments by any of the following methods—please use only one method:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions on the website for submitting comments.

Mail: Comments may be submitted by mail to Raymond Windmiller, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

Fax: Comments totaling six or fewer pages may be sent by fax machine to 202–663–4114. Receipt of fax transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at 202–921–2815 (voice), 800–669–6820 (TTY), or 844–234–5122 (ASL Video Phone).

Instructions: All comments received will be posted without change, including any personal information you provide, to *https://www.regulations.gov.* However, the EEOC reserves the right to refrain from posting libelous or otherwise inappropriate comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, sex, national origin, religion, age, disability, or genetic information; or that promote or endorse services or products.

The comments received will be available for review on a computer in the Commission's Headquarters library, 131 M Street NE, Suite 4NW08R, Washington, DC 20507, between the hours of 9:00 a.m. and 4:30 p.m. on days the Commission is open for business. You must make an appointment by contacting library staff at 202–921–3119.

FOR FURTHER INFORMATION CONTACT: Kimberly Essary, Associate Legal Counsel, Office of Legal Counsel at 202–921–3152 (voice), 800–669–6820 (TTY), *kimberly.essary@eeoc.gov.* Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at 202–921–3191 (voice), 800–669–6820 (TTY), or 844–234–5122 (ASL video phone).

SUPPLEMENTARY INFORMATION: The Age Discrimination in Employment Act of 1967 (ADEA) allows for individuals to waive rights and claims protected under the Act, provided certain circumstances are met; particularly that the waiver is knowing and voluntary. For an individual's waiver in connection with exit incentives or other employment termination programs to be considered knowing and voluntary, the employer must inform the individual in writing in a manner calculated to be understood by the average individual eligible to participate, and the waiver must provide certain information to the individual, including information about covered individuals and eligibility, as specified in the statute. The EEOC's regulations clarify that the relevant section of the ADEA addresses two principal issues: to whom information must be provided, and what information must be disclosed to such individuals. The employer does not provide this information to the EEOC; the ADEA and the EEOC's regulation solely require that the employer provide this information to any employee it would apply to, and not to the Federal government.

As defined in OMB's regulation at 5 CFR 1320.3(c), a ''collection of information'' under the PRA includes ''requiring the disclosure to an agency, third parties or the public of information.'' Pursuant to the Paperwork Reduction Act of 1995, and OMB regulation 5 CFR 1320.8(d)(1), the Commission solicits public comment to enable it to:

(1) Evaluate whether the collection of information is necessary for the proper

performance of the Commission's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of the Commission's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

Collection Title: Waivers of Rights and Claims Under the ADEA; Informational Requirements.

OMB Number: 3046–0042.

Type of Respondent: Business, state or local governments, not for profit institutions.

Description of Affected Public: Any employer with 20 or more employees that seeks waiver agreements in connection with exit incentive or other employment termination program.

Number of Respondents: 4,944.

Estimated Annual Burden Hours: 80,043.

Burden Hour Cost: $4,661,394.53.

Federal Cost: None.

Number of Forms: None.

Abstract: The EEOC enforces the Age Discrimination in Employment Act (ADEA), as amended, which prohibits discrimination against employees and applicants for employment who are age 40 or older. The ADEA allows employees to waive their rights to challenge termination from employment as age discrimination when several statutory conditions are met. If a waiver is requested in connection with exit incentives or other employment termination programs offered to a group or class of employees, the employer must inform the individual in writing of the class, unit, or group of individuals covered by such program; any eligibility factors for such program; any time limits applicable to such program; the job titles and ages of all individuals eligible or selected for the program; and the ages of all individuals in the same job classification or organizational unit who are not eligible or selected for the program. The purpose of requiring the employer to disclose this information to an employee is to provide the employee with enough information regarding the program to allow that employee to make an informed choice as to whether to sign a waiver agreement. The ADEA and the implementing regulation require that the employer provide this information to applicable employees, not to the EEOC. The regulation at 29 CFR 1625.22 reiterates those disclosure requirements. The EEOC seeks an extension without change for the third-party disclosure requirements contained in this regulation.

Burden statement: In 2016, the EEOC conducted a limited survey as the foundation for estimating the burden hours per Respondent. The estimated burden hours per Respondent are a combination of the hours to create an ADEA waiver and the hours to distribute the waiver to employees as part of an exit incentive or other employment termination program. The goal of the 2016 survey was to identify the actual costs of creating and distributing ADEA waivers and better understand what type of employees were involved in this process. The EEOC learned that human resource managers (senior and junior) and legal counsel and staff (internal and external counsel) carry most of the paperwork and human capital burden for drafting and distributing the waivers to employees.

In sum, the burden hours for the *creation* of the ADEA waiver are estimated to be 8.25 per Respondent (*i.e.,* employer), while burden hours for the *distribution* of the ADEA waiver are estimated to be 7.94 per Respondent. Thus, the total burden hours per Respondent is 16.19.

The total annual burden hour estimate for this information collection is calculated by multiplying the number of Respondents (*i.e.,* employers) by the total burden hours per Respondent, resulting in a total burden hour estimate for this collection of 80,043 hours [4,944 Respondents [1] × 16.19 hours per Respondent].

Per Tables 1 and 2 below, the EEOC estimates that the approximate burden hour cost of *preparing* the ADEA waiver notice is $468.47 per Respondent, and the approximate burden hour cost of *distributing* the ADEA waiver notice is $474.37 per Respondent. Thus, the total burden hour cost per Respondent is $942.84. For all 4,944 Respondents who are projected to have reductions in force and request waiver notices, the total *preparation* cost is $2,316,112.22, and the total *distribution* cost is $2,345,282.31. Thus, the total burden hour cost for all 4,944 Respondents is $4,661,394.53 [$2,316,112.22 + $2,345,282.31]. Table 1 reflects the calculation of the costs of creating the ADEA waiver and Table 2 reflects the calculation of the costs of distributing the ADEA waiver.

TABLE 1—COMPUTATIONS RELATED TO PREPARING AND DRAFTING ADEA WAIVER BURDEN ESTIMATE *

	Median wage rate (hour) [1]	Projected hours per employer	Cost per firm	Total burden hour cost
Number of Respondents: 4,944				
CLERICAL STAFF	$21.64	0.11	$2.38	$11,768.70
SENIOR HUMAN RESOURCE MANAGERS	71.77	0.26	18.66	92,256.03
INTERNAL CORPORATE LEGAL COUNSEL	76.76	2.23	171.17	846,288.21
EXTERNAL CORPORATE LEGAL COUNSEL	76.76	2.00	153.52	759,002.88
CHIEF EXECUTIVE OFFICERS	50.85	0.12	6.10	30,168.29
COMPUTER SPECIALIST (IT PROFESSIONAL)	29.74	0.42	12.49	61,754.52
HUMAN RESOURCE SPECIALIST	36.51	1.61	58.78	290,613.76
PARALEGAL	30.24	1.50	45.36	224,259.84

[1] This figure is based upon data from Challenger, Gray, & Christmas, using figures from 2025 for numbers of layoffs and data from 2019 to estimate the number of employees laid off per firm. Using those figures we calculate the following: 1,206,374 employees laid off/244 average employees per firm (based on 2019 data) = 4,944 firms making layoffs in 2025. See 2025 Year-End Challenger Report: Highest Q4 Layoffs Since 2008; Lowest YTD Hiring Since 2010 | Challenger, Gray & Christmas, Inc. | Outplacement & Career Transitioning Services, Accessed July 9, 2026.

TABLE 1—COMPUTATIONS RELATED TO PREPARING AND DRAFTING ADEA WAIVER BURDEN ESTIMATE *—Continued

	Median wage rate (hour) [1]	Projected hours per employer	Cost per firm	Total burden hour cost
Subtotal	394.27	8.25	468.47	2,316,112.22

* Totals may not sum due to rounding.
[1] Wage hour rates are based on 2025 Median Pay, the most recent year available, for the occupation indicated. They were obtained online from the U.S. Dept. of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, *http://www.bls.gov/ooh/.* Accessed via API July 8, 2026.

TABLE 2—COMPUTATIONS RELATED TO DISTRIBUTING ADEA WAIVER BURDEN ESTIMATE *

	Median wage rate (hour) [1]	Projected hours per employer	Cost per firm	Total burden hour cost
Number of Respondents: 4,944				
HUMAN RESOURCE SPECIALIST	$36.51	0.27	$9.86	$48,736.47
CLERICAL STAFF	21.64	0.50	10.82	53,494.08
SENIOR HUMAN RESOURCE MANAGERS	71.77	0.85	61.00	301,606.25
INTERNAL CORPORATE LEGAL COUNSEL	76.76	2.08	159.66	789,363.00
EXT CORPORATE LEGAL COUNSEL	76.76	2.00	153.52	759,002.88
PARALEGAL	30.24	1.50	45.36	224,259.84
PAYROLL SPECIALIST	28.01	0.20	5.60	27,696.29
ADMINISTRATIVE SERVICES MANAGER	54.87	0.27	14.81	73,244.87
DEPARTMENT EXECUTIVE	50.85	0.27	13.73	67,878.65
Subtotal	447.41	7.94	474.37	2,345,282.31

* Totals may not sum due to rounding.
[1] Wage hour rates are based on 2025 Median Pay, the most recent year available, for the occupation indicated. They were obtained online from the U.S. Dept. of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, *http://www.bls.gov/ooh/.* Accessed via API July 8, 2026.

Dated: October 22, 2026.

For the Commission.

Andrea R. Lucas,

Chair.

[FR Doc. 2026–21836 Filed 10–26–26; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Appointments Panel Meeting

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Appointments Panel, a subcommittee of the Federal Accounting Standards Advisory Board (FASAB), will hold a meeting on October 23, 2026. The Appointments Panel makes recommendations regarding appointments for nonfederal member positions and the executive director.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Washington, DC 20548, or call (202) 512–7350.

SUPPLEMENTARY INFORMATION: The meeting is being announced in the **Federal Register** with less than seven calendar days' notice due to major IT issues experienced by the Committee Management Officer and Designated Federal Officer. The Sponsors have made such this determination.

The meetings are closed to the public. The reason for the closure is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve matters that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 1009(d), portions of advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of FACA, that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001–1014).

Dated: October 22, 2026.

Monica R. Valentine,

Executive Director.

[FR Doc. 2026–21847 Filed 10–26–26; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 26–1123; FR ID 373888]

Notice of Suspension and Commencement of Proposed Debarment Proceedings

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the ''Bureau'') gives notice of the suspension of Richard Bernstein from the schools and libraries universal service support mechanism (or ''E-Rate Program'') and all universal service support mechanisms. Additionally, the Bureau gives notice that debarment proceedings are commencing against Mr. Bernstein, or any person who has an existing contract with or intends to

contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be submitted within 30 days of receiving the suspension letter or by November 27, 2026, whichever comes first. The Bureau will decide on any opposition request within 90 days.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffrey Brown, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Jeffrey Brown may be contacted by phone at (202) 418–2527 or by email at *Jeffrey.Brown@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspensions ensure that suspended parties cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 26–1123, which was mailed to Mr. Bernstein, and released on October 27, 2026. The complete text of the notice of suspension and initiation of debarment proceedings is available on the FCC's website at *https://docs.fcc.gov/public/attachments/DA-26-1123A1.pdf.*

Federal Communications Commission.

Christopher Sova,

Chief, Investigations and Hearings Division, Enforcement Bureau.

BILLING CODE 6712–01–P

Federal Communications Commission

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554
October 20, 2026

DA 26-1123

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Richard Bernstein
c/o Steven Y. Yurowitz
YurowitzLaw PLLC
950 Third Avenue Ste 31st Floor
New York, NY 10022

Re: Notice of Suspension and Initiation of Debarment Proceeding
File No. EB-IHD-26-00041644

Dear Mr. Bernstein,

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) received notice of your conviction of conspiracy to violate the Travel Act, in violation of 18 U.S.C. §§ 371 and 1952, arising out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program).[1] The conspiracy involved you, together with others, steering federal funds from the E-Rate and FCC's Emergency Connectivity Fund (ECF) programs to school vendors in exchange for a share of the vendors' profits.[2] Consequently, pursuant to 47 CFR § 54.8, this letter constitutes official notice of your suspension from the E-Rate program and all federal universal service support mechanisms.[3] While suspended, you are prohibited from participating in or receiving any benefit associated with all federal universal service support mechanisms, including the E-Rate program. Additionally, in accordance with the Commission's rules, the Bureau is commencing a proceeding to debar you from future participation in all federal universal service support mechanisms for three years.[4]

---

[1] Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent sentencing in *United States v. Richard Bernstein*, Case No. 1:26-cr-00009-RER, Judgment in a Criminal Case (E.D.N.Y., filed June 6, 2026) (*Judgment*); *United States v. Richard Bernstein*, Case No. 1:26-cr-00009-RER, Minute Entry for Sentencing as to Richard Bernstein (E.D.N.Y., filed June 18, 2026) (*Sentencing*).

[2] *United States v. Richard Bernstein*, Case No. 1:26-cr-00009-RER, Information (E.D.N.Y., filed Jan. 22, 2026) (*Information*); *United States v. Richard Bernstein*, Case No. 1:26-cr-00009-RER, Complaint (E.D.N.Y., filed Sept. 9, 2025) (*Complaint*).

[3] 47 CFR § 54.8. On March 26, 2026, new rules were adopted allowing the Commission to take quicker and more comprehensive action to exclude bad actors from participating in Congressionally-mandated funding programs, such as the E-Rate program. *See Modernizing Suspension & Debarment Rules*, GN Docket No. 19-309, Report & Order, Direct Final Rule, and Further Notice of Proposed Rulemaking, FCC 26-18 (Mar. 27, 2026).

[4] 47 CFR § 54.8; *Id.* § 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting section 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program*

I. Notice of Suspension

The Commission has established procedures to prevent persons who have "defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate program]" from receiving the benefits associated with that program.[5] The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.[6] Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.[7] The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.[8] Solicitations for E-Rate services must be based on fair and open competitive bidding free from conflicts of interest.[9]

The ECF program was a separate program that provided pandemic relief funding to schools and libraries to assist them in supporting remote learning for students, staff and library community members during the COVID-19 pandemic.[10] The Universal Service Administrative Company administered the ECF program on behalf of the FCC.[11] Unlike the E-Rate program, the ECF program did not require a competitive bidding process if that process was not required by state or local laws.[12] Instead, ECF applicants selected vendors and filed the FCC Form 471 to seek reimbursement from the program.[13] FCC Form 471 contained various certifications, including a requirement that an applicant certify that such applicant was in compliance with the rules and orders governing the ECF program, that false statements on the form may be punished under 18 U.S.C. § 1001, that the applicant complied with all state and local laws regarding procurement, and that no kickbacks were paid or received by the applicant to anyone in connection with the ECF program.[14]

You pleaded guilty to a conspiracy that involved knowingly and willfully devising a scheme and conspiracy to defraud the E-Rate and ECF programs.[15] Beginning in July 2021 through at least September 2022, you conspired with others to use your position as an active agent of schools seeking benefits under the ECF and E-Rate programs to solicit kickback payments from vendors of those programs.[16] In exchange for these kickback payments, you agreed to steer the schools to select those vendors, ensuring that the vendors would receive federal funds for the services and equipment they provided to the schools through the ECF and E-Rate programs.[17] In total, your companies, E-Rate

---

Management Order) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

[5] *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. The Commission's debarment rules define a "person" as "[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized." 47 CFR § 54.8(a)(6).

[6] *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

[7] 47 CFR §§ 54.503, 54.504(a), 54.511(a).

[8] *See id.* §§ 54.503, 54.511(a); *see also* Universal Service Administrative Company, *Open & Fair Process*, https://www.usac.org/e-rate/applicant-process/competitive-bidding/open-fair-process/ (last visited October 22, 2026).

[9] 47 CFR §§ 54.503, 54.511(a).

[10] *Complaint*, *supra* note 2, at 4; *FCC to Launch $7.17 Billion Connectivity Fund Program*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696, 8697, para 1 (May 11, 2021). The ECF program was sunset on June 30, 2024 and is no longer active. *See Wireline Competition Bureau and Office of the Managing Director Provide Guidance on Emergency Connectivity Fund Program Upon Termination of the Emergency Period*, WC Docket No. 21-93, Public Notice, 38 FCC Rcd 4282 (May 12, 2023).

[11] *Complaint*, *supra* note 2, at 4.

[12] *Id.*

[13] *Id.*

[14] *Id.* at 4-5.

[15] *Information*, *supra* note 2; *Complaint*, *supra* note 2, at 1-2.

[16] *Information*, *supra* note 2; *Complaint*, *supra* note 2, at 5-6.

[17] *Information*, *supra* note 2; *Complaint*, *supra* note 2, at 6.

Consulting, LLC and E-Rate Management Solutions Inc. (together, EMS),[18] received more than $100,000 in kickback payments from vendors funded through the E-Rate and ECF programs.[19]

In June 2026, the United States District Court for the Eastern District of New York sentenced you to one year of probation and you agreed to forfeit $137,576.64.[20] The amount corresponded to the illicit proceeds you received from the scheme.[21]

Pursuant to section 54.8(d) of the Commission's rules,[22] your conviction requires the Bureau to suspend you from: (a) participating in any activities associated with or related to the E-Rate program, including, without limitation, the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program; and (b) participating in any activities associated with or related to all federal universal service support mechanisms.[23] Your suspension becomes effective upon either your receipt of this letter or its publication in the Federal Register, whichever comes first.[24]

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition, with any relevant documents, within thirty calendar days of your receipt of this letter or publication of notice of the suspension in the Federal Register, whichever comes first.[25] Such requests, however, will not ordinarily be granted.[26] The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.[27] The Bureau will decide any request to reverse or modify a suspension within ninety calendar days of its receipt of such request.[28]

---

[18] Bernstein was the founder and Chief Executive Officer of E-Rate Consulting, LLC and the president of E-Rate Management Solutions Inc., both of which are located in Woodmere, New York. Press Release, Department of Justice, School Consultant Pleads Guilty to Kickback Conspiracy Connected to Covid-Era Programs Designed to Help Schoolchildren Access the Internet (Jan. 22, 2026), https://www.justice.gov/usao-edny/pr/school-consultant-pleads-guilty-kickback-conspiracy-connected-covid-era-programs (*DOJ Press Release*). EMS offered services to schools in New York and elsewhere related to the E-Rate and ECF programs. *Id.*

[19] *DOJ Press Release* at 2.

[20] *United States v. Richard Bernstein*, Case No. 1:26-cr-00009-RER, Minute Entry for Sentencing as to Richard Bernstein (E.D.N.Y., filed June 18, 2026) (*Sentencing*); *United States v. Richard Bernstein*, Case No. 1:26-cr-00009-RER, Order of Forfeiture (E.D.N.Y., filed June 10, 2026). No fine was imposed due to Bernstein's inability to pay. *Sentencing.*

[21] *See Sentencing*; *see also DOJ Press Release* at 2.

[22] 47 CFR § 54.8(d); *see Second Report and Order*, *supra* note 4, at 9225–27, paras. 67–74.

[23] 47 CFR § 54.8(a)(1), (d).

[24] *Id.* § 54.8(e)(1); *Second Report and Order*, *supra* note 4, at 9226, para. 69.

[25] 47 CFR § 54.8(e)(4).

[26] *Id.*

[27] *Id.* § 54.8(f).

[28] *Id.* § 54.8(e)(5), (f); *Second Report and Order*, *supra* note 4, at 9226, para. 70.

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from all federal universal service support mechanisms, including the E-Rate program, your conviction is cause for debarment as defined in section 54.8(c) of the Commission's rules.[29] Therefore, pursuant to section 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.[30]

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments in opposition and any relevant documentation within thirty calendar days of receipt of this letter or its publication in the Federal Register, whichever comes first.[31] The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety calendar days of receiving any information you may have filed.[32] If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the Federal Register, whichever comes first.[33]

If and when your debarment becomes effective, you will be prohibited from participating in any activities associated with or related to all federal universal service support mechanisms, including, without limitation, the E-Rate program, for three years from the date of debarment.[34] The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.[35] Pursuant to the Commission's rules, should you choose to contest the scope or length of any such debarment, you must file arguments in opposition and any relevant documentation within thirty calendar days of receipt of this letter or the publication in the Federal Register of such proposed debarment, whichever is earlier.[36]

Please direct any response as follows:

If sent by messenger or hand delivery, or by commercial overnight mail (other than U.S. Postal Service Priority Mail, Priority Mail Express, and Priority Mail), the response must be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, to the attention of Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9050 Junction Drive, Annapolis Junction, MD, 20701. 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.

If sent by First-Class Mail, Priority Mail Express, or Priority Mail, the response must be sent to Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.

---

[29] "Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism." 47 CFR § 54.8(c). Associated activities "include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms." *Id.* § 54.8(a)(1).

[30] *Id.* § 54.8(b).

[31] *Id.* § 54.8(e)(3); *Second Report and Order*, *supra* note 4, at 9226, para. 70.

[32] 47 CFR § 54.8(e)(5); *Second Report and Order, supra* note 4, at 9226, para. 70.

[33] 47 CFR § 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* § 54.8(f).

[34] 47 CFR § 54.8(d), (g); *Second Report and Order*, *supra* note 4, at 9225, para. 67.

[35] 47 CFR § 54.8(g).

[36] *Id.* § 54.8(e)(4).

You must also transmit an electronic copy of the response and all Documents produced with the response via e-mail to IHDTelecom@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source. If you have any questions, please contact Jeffrey Brown at Jeffrey.Brown@fcc.gov or (202) 418-2527.

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division

[FR Doc. 2026–21850 Filed 10–26–26; 8:45 am]
BILLING CODE 6712–01–C

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of General Counsel at (202) 523–5740 or *GeneralCounsel@fmc.gov.*

Agreement No.: 201159–003.
Agreement Name: Memorandum of Settlement of Local Conditions in the Port of New York and New Jersey.
Parties: International Longshoremen's Association, AFL–CIO; and Shipping Association of New York and New Jersey.
Filing Party: Richard Ciampi, The Lambos Firm, LLP.
Synopsis: The Amendment establishes local conditions for the Port of New York—New Jersey covering the period from October 1, 2024, through September 30, 2030.
Proposed Effective Date: 10/21/2026.

Agreement No.: 201446–002.
Agreement Name: CMA CGM/COSCO North Europe—USEC/USWC Service Space Charter Agreement.
Parties: CMA CGM S.A.; and COSCO SHIPPING LINES Co. Ltd.
Filing Party: Draughn Arbona, CMA CGM (America) LLC.
Synopsis: The Amendment would revise the allocation chartered by CMA CGM to COSCO to 250 TEUs per vessel sailing.
Proposed Effective Date: 12/6/2026.

Agreement No.: 201464–002.
Agreement Name: CMA CGM/Neoline North Europe—USEC Service Space Charter Agreement.
Parties: CMA CGM S.A.; and Neoline Armateur.
Filing Party: Draughn Arbona, CMA CGM (America) LLC.
Synopsis: The Amendment would revise the geographic scope of the Agreement by adding Spain, Portugal and Germany.
Proposed Effective Date: 12/5/2026.

Dated: October 23, 2026
Jennifer Everling,
Assistant Secretary.

[FR Doc. 2026–21895 Filed 10–26–26; 8:45 am]
BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843), and interested persons may express their views in writing on the standards enumerated in section 4. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 27, 2026.

A. Federal Reserve Bank of San Francisco (Keith Dudley, Vice

President) 101 Market Street, San Francisco, California 94105–1579. Comments can also be sent electronically to *SF.Supervision.Comments.Applications@sf.frb.org:*

1. *Upstart Holdings, Inc., Burlingame, California;* to become a bank holding company by acquiring Upstart Bank, National Association, Wilmington, Delaware, and to retain UP SP Gemini JV LLC, Dover, Delaware; Upstart Network, Inc., ACM Uprise Direct Borrower Trust II, ACM Uprise Direct Purchaser Trust, ACM Upstart Uprise 2024 JV LLC, BOAC ACM Uprise GS Pledgor LLC, BOAC Up Owl Night E 2025 JV LLC, BOAC Up Owl Night E Purchaser Trust, CB UNI Consumer Intermediate LLC, CB UNI Consumer JV LLC, CB UNI Consumer Trust, CB UNI Flow Intermediate LLC, CB UNI Flow JV LLC, CB UNI Flow Trust, CF UPST Holdings 2 LLC, CF UPST Holdings LLC, CF UPST Trust, CF UPST Trust 2, CF USPL Trust 2026–1, Mars Downstop Loan Holding Trust, Mars Downstop Loan Holding Trust II, Mars Downstop Loan Holding Trust II–B, Mars Downstop Loan Holding Trust II–C, Mars Downstop Loan Holding Trust II–D, Mars Downstop Loan Holding Trust II–E, Mars Downstop Loan Purchaser Trust, Mars Downstop Loan Purchaser Trust II, UAT III Depositor Trust, UAT IV Depositor Trust, UAT IV Grantor Trust, Series 2026–A1, UP Da Vinci JV LLC, UP Da Vinci Purchaser Trust, UP Dogwood Trust, UP Green Ash Trust, UP Juniper JV LLC, UP Juniper Purchaser Trust, UP Michelangelo Trust, UP Palm Trust, UP Raphael Trust, UP SP Gemini Funding Trust, UP SP Gemini Purchaser Trust, Upstart Asset Trust III, Upstart Asset Trust IV, Upstart Auto Trust, Upstart Auto Warehouse Trust 2, Upstart Auto, LLC, Upstart Funding Grantor Trust 2023–2, Upstart Funding Grantor Trust 2023–3, Upstart Funding Grantor Trust 2024–1, Upstart Funding Grantor Trust 2025–1, Upstart Funding Grantor Trust 2025–2, Upstart Funding Grantor Trust 2025–3, Upstart Funding Grantor Trust 2025–4, Upstart Funding Grantor Trust 2026–1, Upstart Funding Grantor Trust 2026–2, Upstart Funding Grantor Trust 2026–3, Upstart Funding Grantor Trust 2026–4, Upstart Funding II, LLC, Upstart Funds GP, LLC, Upstart Gemini Reserve Trust, Upstart HELOC Borrower I, LLC, Upstart HELOC Trust, Upstart Loan Trust, Upstart Loan Trust 2, Upstart Network Trust, Upstart Purchaser Trust, Upstart RR Funding 2019–1, LLC, Upstart RR Funding 2019–2, LLC, Upstart Securitization Trust 2023–2, Upstart Securitization Trust 2023–3, Upstart Securitization Trust 2024–1, Upstart Securitization Trust 2025–1, Upstart Securitization Trust 2025–2, Upstart Securitization Trust 2025–3, Upstart Securitization Trust 2025–4, Upstart Securitization Trust 2026–1, Upstart Securitization Trust 2026–2, Upstart Securitization Trust 2026–3, Upstart Securitization Trust 2026–4, Upstart Small Dollar Loan Trust, Upstart Ursa Trust, Upstart Ursa Trust II, Upstart Ursa Trust III, Upstart Ursa Trust IV, Virgo Reserve Trust, WUP Auto Copia LLC, and WUP Auto Copia Purchaser Trust, all of Wilmington, Delaware, and thereby extend credit and service loans pursuant to section 225.28(b)(1), engage in asset management, servicing, and collection activities pursuant to section 225.28(b)(2)(vi), and engage in data processing, storing, and furnishing services pursuant to section 225.28(b)(14)(i)(A) of Regulation Y.

Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Secretary of the Board.

[FR Doc. 2026–21894 Filed 10–26–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company; Correction

AGENCY: Federal Reserve System.

ACTION: Notice; correction.

SUMMARY: The Federal Reserve System published a document in the **Federal Register** of October 22, 2026, concerning the list of notificants who applied under the Change in Bank Control Act to acquire shares of a bank or bank holding company. The document contained incorrect information under paragraph B.1.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of October 22, 2026, in FR Doc. 2026–21625, on page 66703, in the third column, correct paragraph B.1 to read:

1. *The Jerome and Barbara Bushman Lifetime Bank Stock Revocable Trust dated December 5, 2023, as amended, Barbara A. Bushman, as trustee, all of Naples, Florida, and Tia G. Bushman, Plymouth, Minnesota, and Mitchell Bushman, Hatley, Wisconsin, individually, and as trustees;* to join the Bushman Family Group, a group acting in concert, to retain voting shares of First Southeastern Banc Group, Inc., and thereby indirectly retain voting shares of First Southeast Bank, both of Harmony, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–21842 Filed 10–26–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–27–0302; Docket No. CDC–2026–1717]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Tuberculosis (TB) Laboratory Services Survey. This project will conduct a comprehensive, national update of a prior tuberculosis (TB) laboratory services assessment by collecting current information on U.S. laboratories' capacity, capabilities, and accessibility to deliver high-quality mycobacteriology diagnostic services.

DATES: CDC must receive written comments on or before December 28, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–1717 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of the existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of collecting information on those to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic responses; and

5. Assess information collection costs.

Proposed Project

National Tuberculosis (TB) Laboratory Services Survey—New—National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of National Tuberculosis (TB) Laboratory Services Survey is to conduct a comprehensive, national update of a prior tuberculosis (TB) laboratory services assessment by collecting current information on U.S. laboratories' capacity, capabilities, and accessibility to deliver high-quality mycobacteriology diagnostic services. An electronic survey will be developed collaboratively with the Association of Public Health Laboratories (APHL) and distributed by APHL via email with an embedded link to no more than 1,000 clinical, commercial, federal, academic medical, and public health laboratories. The survey will collect information on laboratory services, testing methods and volumes, specimen types, referral and reference testing practices, specimen handling and transport, reporting practices, training needs, and proficiency testing and quality assurance. The project aims to assess testing service offerings, volumes, methods, and referral practices, to identify gaps that impede timely, accurate TB diagnosis.

Responses will be collected and analyzed by APHL. All respondent data will be handled securely. Data will be electronically stored on APHL servers. Raw data may be shared with CDC. Any information on specific individuals included on behalf of the organization submitting responses will be removed prior to APHL providing data to CDC. CDC may be engaged in the project by consulting on analysis or interpretation. In addition, aggregate summaries may be provided to CDC after analysis of responses by APHL.

CDC requests OMB approval for a total estimated annual burden of 417 hours. Respondents will not receive federal funds to participate in this project. There are no additional costs to respondents other than their time.

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden hours
Domestic Tuberculosis Laboratory ...	Online Survey Instrument	1,000	1	25/60	417
Total	.....	.....	.....	.....	417

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–21830 Filed 10–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–27–0306; Docket No. CDC–2026–1750]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled 2026 Ebola Passenger Disclosure and Attestation. The purpose of this information collection is to ensure that, consistent with the terms of a pending Order under the Public Health Service Act, public health authorities in the United States can confirm that individuals have not been present in the Democratic Republic

of the Congo (DRC) in the 21 days before arriving in the United States.

DATES: CDC must receive written comments on or before December 28, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–1750 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

2026 Ebola Passenger Disclosure and Attestation—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration Health (DGMH) requests an emergency approval for a New information collection. Section 361 of the Public Health Service (PHS) Act (42 U.S.C. 264) authorizes the Secretary of Health and Human Services to make and enforce regulations necessary to prevent the introduction, transmission or spread of communicable diseases from foreign countries into the United States. Under its delegated authority, DGMH works to fulfill this responsibility through a variety of activities, including the administration of foreign quarantine regulations; 42 Code of Federal Regulation part 71, specifically 42 CFR 71.20 Public health prevention measures to detect communicable disease.

On May 17, 2026, an outbreak of Ebola disease caused by Bundibugyo virus was detected in the Democratic Republic of the Congo (DRC) and Uganda. On May 20, 2026, the Department of Homeland Security (DHS) published *Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled From or Were Otherwise Present Within the Democratic Republic of the Congo (DRC), Uganda, or South Sudan.* Airlines are instructed to redirect flights carrying persons who have recently traveled from or were otherwise present within DRC, Uganda, and South Sudan in the previous 21 days to specific ports of entry.

CDC within the Department of Health and Human Services (HHS) issued an Order on May 18, 2026, to suspend entry into the United States of foreign nationals who were physically present in the Democratic Republic of Congo (DRC), Uganda, or South Sudan in the past 21 days. The Order was amended on May 22, 2026. An Order continuing the suspension of the right to introduce specified foreign nationals into the United States was issued on June 21, 2026, on July 13, 2026, on August 12, 2026, September 11, 2026, and most recently on October 11, 2026. Additionally, on July 14, 2026, the U.S. Department of Homeland Security, in consultation with CDC, began restricting air travel for all travelers, including U.S. citizens and U.S. nationals, who had been in DRC in the past 21 days.

This information collection accompanies the Notice and Order requiring that any traveler arriving in the United States from a foreign country submit an attestation confirming they have not been present in the Democratic Republic of the Congo (DRC) in the past 21 days before arrival in the United States. Passengers must complete the attestation as instructed by the airline before being allowed to board a flight to the United States as a public health prevention measure to mitigate the potential spread of a confirmed ongoing outbreak of Ebola virus disease caused by the Bundibugyo virus.

CDC requests OMB approval for an estimated 22,550,200 annual burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Traveler	CDC Ebola Attestation	135,300,000	1	5/60	11,275,000
Airline staff	CDC Ebola Attestation	135,300,000	1	5/60	11,275,000
Traveler	Exemption Request (no form)	100	1	2	200

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Total					22,550,200

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–21831 Filed 10–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Requirement for Attestation for All Airline or Other Aircraft Passengers Arriving in the United States From Any Foreign Country and Controlled Free Pratique for Airlines Confirming That Such Passengers Have Not Been in the Democratic Republic of the Congo in the Past 21 Days

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of Agency Order.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), announces it is issuing an Order under Sections 361, 365, 368, and 369 of the Public Health Service Act, and associated implementing regulations, prohibiting the boarding of any passenger who is not otherwise subject to an exemption on any aircraft destined to the United States from a foreign country unless the passenger presents a signed attestation confirming the passenger has not been present in the Democratic Republic of the Congo (DRC) during the 21 days prior to boarding a flight to the United States. This Order was issued on October 22, 2026, to become effective at 11:59 p.m. Eastern Standard Time (EST) on November 3, 2026, and shall remain in effect through 11:59 p.m. EST on December 18, 2026. This Order may be amended or rescinded prior to that time at the discretion of the Secretary or his designee.

DATES: This action will take effect November 3, 2026, at 11:59 p.m. EST. For individuals intending to travel to the United States by air, the Order will apply to flights departing at or after 11:59 p.m. EST on November 3, 2026.

FOR FURTHER INFORMATION CONTACT: Mina Zadeh, Acting Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov.*

SUPPLEMENTARY INFORMATION: On October 22, 2026, the Assistant Secretary for Health (ASH), HHS, signed an Order prohibiting the boarding of any passenger on any aircraft destined to the United States from a foreign country unless the passenger presents a signed attestation in paper or digital format confirming that the passenger has not been present in the Democratic Republic of the Congo (DRC) during the 21 days prior to boarding a flight to the United States. This includes any flight arriving in the United States, regardless of whether the United States is its final destination or the flight is connecting through the United States en route to another country. The airline or aircraft operator must retain a copy of the completed version of the signed attestation for at least 42 days after the passenger's flight departs for the United States from a foreign country and provide the attestation to the U.S. Government upon request.

This Order is effective for a period of 45 days. This Order may be amended or rescinded prior to that time at the discretion of the Secretary or his designee. Any amendment or extension of this Order will be based on the current outbreak metrics, including case counts, geographic spread, community-transmission indicators, and containment capacity in affected countries.

Pursuant to 42 U.S.C. 268, the U.S. customs officers and U.S. Coast Guard officers will assist in implementation of this Order. Other federal departments and agencies, including the U.S. Department of Homeland Security and the U.S. Department of Transportation, may also cooperate and assist with implementation of this Order consistent with their own legal authorities.

This Order shall be enforceable through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 270, 271; and 42 CFR 71.2. Pursuant to 42 U.S.C. 271, CDC may request the U.S. Department of Justice seek to prosecute individuals who knowingly and willfully submit false attestations in violation of 18 U.S.C. 1001.

This Order is not a rule within the meaning of the Administrative Procedure Act (''APA'') but rather is an action taken under the existing authority of 42 U.S.C. 264(a) and 42 CFR 71.20, 71.31(b), and 71.32(b), which were promulgated in accordance with the APA after full notice and comment rulemaking and a delayed effective date. Separately, HHS/CDC is issuing a Paperwork Reduction Act (PRA) notice related to the attestation form required under this Order. The PRA notice also published in today's issue of the **Federal Register** and provides an opportunity for public comment through *www.regulations.gov.*

A copy of the Order is provided below and a copy of the signed Order can be found at *https://www.cdc.gov/port-health/legal-authorities/attestation-order.html.*

Centers for Disease Control and Prevention (CDC)

Department of Health and Human Services (HHS)

Notice and Order Under Sections 361, 365, 368, & 369 of the Public Health Service Act (42 U.S.C. 264, 268, 270, & 271) and 42 Code of Federal Regulations 71.20, 71.31(b), & 71.32(b)

Requirement for Attestation for all Airline or Other Aircraft Passengers Arriving in the United States From any Foreign Country and Controlled Free Pratique for Airlines Confirming That Such Passengers Have Not Been in the Democratic Republic of the Congo in the Past 21 Days

Summary

Pursuant to 42 CFR 71.20, 71.31(b), and 71.32(b), and as set forth in greater detail below, this Notice and Order prohibit the boarding of any passenger who is not otherwise subject to an exemption on any aircraft destined to the United States from a foreign country unless the passenger presents:

- A signed attestation in paper or digital format confirming that the passenger has not been present in the Democratic Republic of the Congo (DRC) during the 21 days prior to boarding a flight to the United States.

This includes any flight arriving in the United States, regardless of whether the United States is its final destination or the flight is connecting through the United States en route to another country. This Order does not apply to overflights that do not land at any airport in the United States.

Further, pursuant to 42 CFR 71.31(b) and as set forth in greater detail below, this Notice and Order operates as a controlled free pratique requiring an airline or other aircraft operator with an aircraft arriving into the United States to confirm to the U.S. Government that every passenger onboard the aircraft has completed and signed an attestation confirming that the passenger has not been in the DRC during the 21 days prior to boarding the flight to the United States as a condition of the airline or aircraft operator being granted permission to enter a U.S. port of entry, disembark passengers, and begin operations with respect to arriving at a U.S. airport.

A parent or other authorized individual may complete and sign the required attestation on behalf of a passenger under 18 years of age. An authorized individual may also act on behalf of any passenger who is unable to act on their own behalf (*e.g.,* by reason of age, or physical or mental impairment).

The passenger must provide the airline or aircraft operator with a paper or digital copy of the completed attestation reflecting that the passenger has not been present in the DRC in the past 21 days prior to boarding a flight to the United States. The airline or aircraft operator must retain the paper or digital copy of each passenger's completed and signed attestation for at least 42 days after the passenger's flight departs for the United States from a foreign country and provide the attestation to the U.S. Government upon request.

CDC encourages airlines and aircraft operators to incorporate the attestation into paperless check-in processes. An airline or aircraft operator may use a third party (including a third-party digital application) to provide translations. However, an airline or aircraft operator has sole legal responsibility to ensure the accuracy of any translation and to comply with all other obligations under this Order. An airline or aircraft operator is responsible for any failure to comply with its responsibilities as set forth in this Order, including for actions of a third party used to help effectuate its compliance with this Order. As between the airline or aircraft operator and the U.S. Government, the airline or aircraft operator remains responsible for compliance with this Order regardless of the involvement of any third party.

Pursuant to 42 U.S.C. 268, customs officers and U.S. Coast Guard officers will assist in the implementation of this Order. Other federal departments and agencies, including the U.S. Department of Homeland Security and the U.S. Department of Transportation, may also cooperate and assist with implementation of this Order consistent with their own legal authorities.

The U.S. Department of Justice may seek to prosecute individuals who knowingly and willfully submit false attestations in violation of 18 U.S.C. 1001.

Relationship to Other Orders

This Order operates in addition to, and does not supersede, modify, or replace, other CDC orders currently in effect concerning Ebola disease caused by the Bundibugyo virus, including the Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists issued pursuant to 42 U.S.C. 265, 268 and 42 CFR 71.40, as most recently continued. Nothing in this Order limits the authority of CDC, the Department of State, the Department of Homeland Security, the Department of Transportation, or any other federal department or agency to take additional measures under their own separate legal authority.

Statement of Intent

This Order shall be interpreted and implemented to achieve the following paramount objectives:

- Preservation of human life;
- Preventing the introduction, transmission, and spread of the Ebola virus into the United States; and
- Preserving the health and safety of crew members, passengers, airport personnel, and communities.

Definitions

21 days for purposes of the passenger attestation means a 21-day waiting period based on calendar days. Day 0 is the day the individual departed the DRC. Day 1 is the first full calendar day the individual is outside the DRC. An individual who was present in the DRC may board a flight to the United States on day 22.

Aircraft shall have the same definition as under 49 U.S.C. 40102(a)(6). ''Aircraft'' includes, but is not limited to, commercial, general aviation, and private aircraft destined for the United States from a foreign country.

Aircraft Operator means an individual or organization causing or authorizing the operation of an aircraft.

Airline shall have the same definition as under 42 CFR 71.1(b).

Attest/Attestation means completion and signature of the attestation in Attachment A. Such attestation may be completed and signed in paper or digital form, including through electronic signature. The attestation is a statement, writing, entry, or other representation made under 18 U.S.C. 1001.

Foreign country means anywhere that is not a state, territory, or possession of the United States.

Present/Presence in the DRC means any physical presence, including entering or traveling through the country by air (excluding overflights), land, or sea. Presence also includes connecting through an airport in the DRC, even if the passenger did not disembark the plane or leave the airport.

United States has the same definition as ''United States'' in 42 CFR 71.1(b), meaning ''the 50 States, District of Columbia, and the territories (also known as possessions) of the United States, including American Samoa, Guam, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.''

Exemptions

The following are exempt from the requirements of this Order:

- Aircraft operators transporting passengers with Ebola disease pursuant to U.S. Government authorization and in accordance with CDC guidance.
- Individuals for whom the CDC has issued an exemption based on humanitarian or other important government considerations, *e.g.,* emergency medical evacuations. Additional conditions may be placed on individuals granted such exemptions, including but not limited to, observing precautions during travel, providing consent to post-arrival monitoring, and/or self-quarantine after arrival in the United States, as may be directed by federal, state, territorial, tribal or local public health authorities to reduce the risk of disease transmission.

Background

A. Ebola Disease

Viral hemorrhagic fever refers to a group of severe illnesses caused by certain viruses that damage the body's blood vessels and affect the ability of the blood to clot properly. Viral hemorrhagic fevers include diseases such as Ebola, Marburg, and Lassa fever.

Bundibugyo virus disease (BVD) is a severe and often fatal illness caused by

one of the viruses in the Ebola family. Ebola disease outbreaks occur mainly in parts of sub-Saharan Africa and can spread rapidly in communities with limited healthcare resources. Ebola disease caused by the Bundibugyo virus is a rare form of Ebola first identified during an outbreak in Bundibugyo District, Uganda, in 2007. BVD is one of several species within the orthoebolavirus family and causes symptoms similar to other forms of Ebola, including fever, weakness, vomiting, diarrhea, and, in severe cases, hemorrhagic complications and organ failure. The disease spreads through direct contact with infected bodily fluids or contaminated materials.

The incubation period for BVD is typically between 2 and 21 days, with most people developing symptoms within 4 to 10 days after exposure. During this incubation period, infected individuals do not spread BVD until symptoms begin.

Screening for BVD focuses on identifying symptoms and possible exposure history, such as recent travel to affected areas or contact with infected individuals. Patients with suspected BVD are evaluated for symptoms including fever, weakness, vomiting, diarrhea, and bleeding, and laboratory confirmation is performed using specialized tests such as PCR (polymerase chain reaction) to detect the virus in blood and other body fluid samples. Health authorities also use temperature checks and contact tracing to identify suspected cases, and quarantine and isolation procedures, as applicable, to prevent transmission.

There are currently no widely approved vaccines or specific antiviral treatments for BVD. Treatment mainly consists of supportive care, including intravenous fluids, electrolyte replacement, oxygen support, pain and fever management, and treatment of secondary infections. Early medical care significantly improves survival chances. Robust public health measures such as early detection, rapid isolation, strong infection prevention measures (*i.e.,* use of personal protective equipment [PPE]), and monitoring of contacts are critical to controlling outbreaks and reducing deaths. Clinical trials of monoclonal antibodies and of an existing vaccine approved for use to prevent disease caused by the Ebola Zaire virus are presently underway in the DRC.[1] [2] However, experts expect it will be several months before these therapeutics are potentially available for wider use.

B. Ongoing Bundibugyo Virus Disease Outbreak

The confirmed ongoing outbreak of BVD in the DRC continues to escalate in intensity. The outbreak remains centered in eastern DRC's Ituri Province, although cases have been identified in North Kivu, South Kivu, Haut-Uélé, Bas-Uélé, Tshopo, North Ubangi, and South Ubangi provinces. This geographic expansion is concerning, particularly given that response efforts are still not at the scale required for outbreak containment. As of October 18, 2026, the DRC reports 9,455 confirmed cases and 4,561 deaths in 66 health zones across eight provinces.

The World Health Organization has reported substantial under-ascertainment of cases and persistent challenges with contact tracing. As of its most recent assessment, only approximately 20 percent of BVD cases were identified through follow-up of listed contacts, and approximately 40 percent were ultimately linked to a known chain of transmission, indicating substantial undetected transmission.[3] Surveillance challenges persist in the most heavily affected areas, with conflict and insecurity, weak health infrastructure, and relatively porous borders in the region complicating containment efforts. Although contact tracing efforts are underway, they remain insufficient and the daily follow-up necessary to rapidly detect symptomatic individuals and ensure their prompt isolation has not been achieved.

Travelers who have unknowingly been infected with BVD may travel before becoming symptomatic. Such travelers may spread the virus beyond DRC and ultimately reach the United States. The DRC is connected to the global aviation network through a series of regional and international transit hubs that provide pathways into the United States. These international transportation corridors support continuous movement of travelers between Central and East Africa and major U.S. metropolitan centers, increasing the likelihood that travelers exposed to Ebola disease could enter the United States before symptoms become apparent. Complex multi-leg itineraries and the rapid pace of international travel create substantial challenges for identifying potentially infected travelers before arrival.

The risk of BVD introduction into the United States is heightened by the virus's incubation period, which can extend up to 21 days, allowing infected persons to travel internationally while asymptomatic and therefore unlikely to be detected through routine symptom-based screening measures. The current outbreak has demonstrated this risk: for example, a physician infected while providing patient care in the DRC traveled internationally before becoming ill and was diagnosed only after arriving in France.[4] That case required extensive public health coordination, including federal, state, and local government efforts to identify, notify, and monitor potentially exposed U.S. citizens, demonstrating that a single infected traveler can impose significant cross-border public health response demands even without onward transmission occurring within the United States. Additionally, on October 6, 2026, the Kenya Ministry of Health announced the country's first BVD case and death in an individual who had traveled from DRC to Uganda, flown from Kampala to Nairobi on October 2, and was hospitalized before dying on October 5, 2026.[5] By October 19, 2026, Kenya had announced another seven cases had been confirmed in previously identified close contacts, reaching a total of eight BVD cases in Kenya, including the initial case that resulted in a death.[6] The interconnected nature of global air travel presents a credible pathway for BVD importation into the United States, underscoring the importance of aggressive surveillance, traveler monitoring, airport public health screening, healthcare preparedness, and rapid containment capabilities.

[1] World Health Organization. *Patient enrolment begins in a scientific trial to identify the first effective treatments for Bundibugyo virus disease, https://www.who.int/news/item/02-07-2026-patient-enrolment-begins-in-a-scientific-trial-to-identify-the-first-effective-treatments-for-bundibugyo-virus-disease* (last accessed October 13, 2026).

[2] United Nations. *Ebola vaccine research programme begins in DR Congo, https://news.un.org/en/story/2026/09/1168381* (last accessed October 13, 2026).

[3] *Second meeting of the IHR Emergency Committee on the epidemic of Ebola Bundibugyo virus disease in the Democratic Republic of the Congo*—Meeting report *https://www.who.int/news/item/28-08-2026-second-meeting-of-the-ihr-emergency-committee-on-the-epidemic-of-ebola-bundibugyo-virus-disease-in-the-democratic-republic-of-the-congo—meeting-report* (last accessed October 13, 2026).

[4] World Health Organization, *WHO Director-General's opening remarks at the media briefing—24 June 2026,* available at *https://www.who.int/news-room/speeches/item/who-director-general-s-opening-remarks-at-the-media-briefing---24-june-2026* (last accessed October 13, 2026).

[5] World Health Organization, *Kenya confirms first imported Bundibugyo virus disease case; WHO supports control efforts, https://www.afro.who.int/countries/kenya/news/kenya-confirms-first-imported-bundibugyo-virus-disease-case-who-supports-control-efforts* (last accessed October 13, 2026).

[6] Ebola cases in Kenya rise to 8 after another person tests positive, *https://apnews.com/article/kenya-ebola-congo-uganda-0b23b5ff00d39345037f2d298e92e24f.*

The ongoing outbreak has also demonstrated that substantial U.S. public health resources may be required to respond to an Ebola exposure or infection in any U.S. citizen. On July 10, 2026, CDC announced that an additional U.S. citizen working for a humanitarian organization in the DRC had tested positive for BVD.[7] The individual, who was not involved in direct patient care,[8] prompted an extensive U.S. public health response. CDC, in coordination with the humanitarian organization, initiated contact tracing, exposure risk assessments, and monitoring activities to identify high-risk contacts and evaluate potential exposures among humanitarian personnel who had recently returned to, or are planning to return to, the United States. The Department of State arranged medical evacuation outside of the DRC for treatment. This incident demonstrates that even when an infected U.S. citizen remains overseas, the outbreak can require substantial U.S. public health resources to identify, assess, and monitor potentially exposed individuals associated with international humanitarian operations.

Travelers utilizing air transit pathways originating in the DRC include U.S. and non-U.S. citizens, regional migrants, foreign contract workers, humanitarian personnel, business travelers, students, refugees, and third-country nationals moving through international aviation hubs in Africa, the Middle East, and Europe. Many travelers entering U.S.-bound itineraries from these pathways may do so under temporary visas, refugee or asylum processing mechanisms, international organizational travel, or multi-country itineraries that obscure their original point of departure. As a result, public health screening and border security systems face heightened operational complexity in identifying travelers with recent exposure histories linked to Ebola-affected regions, particularly when travelers transit through multiple jurisdictions prior to arrival at major U.S. metropolitan airports.

CDC has issued Travel Health Notices (THN) for affected countries and regions. Currently, there is a Level 4 THN for Ituri and Nord-Kivu Provinces of DRC (avoid all travel); a Level 3 THN for Haut-Uélé and Tshopo Provinces of DRC (reconsider nonessential travel); a Level 2 THN (practice enhanced precautions) for the remainder of the DRC and Uganda; and a Level 1 THN (practice usual precautions) for Nairobi, Kenya.[9] CDC modeling indicates that, absent rapid and sustained public health interventions, the outbreak could become one of the largest Ebola epidemics ever recorded.[10] The analysis further demonstrates that early identification of cases, contact tracing, isolation, and treatment of symptomatic persons, community engagement, and safe burial practices are critical to reducing transmission and mitigating outbreak growth.[11] CDC has concluded that the current outbreak is already the largest known outbreak of BVD and that large-scale, temporary public health measures are necessary to prevent further international spread of the disease and to reduce the risk of introduction of infected persons into the United States.[12] Commensurate with the deterioration of the epidemiological situation in the DRC, CDC escalated its response to the outbreak to a Level 1, the highest level within the agency's Graduated Response Framework.[13]

CDC has determined that the risk profile presented by the DRC is materially distinct from that of other affected countries. The DRC remains the epicenter of the outbreak, with an estimated 80 percent of newly confirmed cases in Ituri Province not linked to known contacts, indicating substantial undetected community transmission. Contact tracing, surveillance, and containment capacity in the DRC are impaired by conflict, insecurity, weak health infrastructure, and porous borders. CDC has therefore determined that a categorical temporary measure directed at travelers with recent presence in the DRC is appropriately tailored to the elevated importation risk presented by that country. CDC will continue to monitor conditions in the DRC and other affected countries and may modify the scope of this Order accordingly.

Statement of Good Cause Under the Administrative Procedure Act

This Order is not a rule within the meaning of the Administrative Procedure Act (''APA'') but rather is an action taken under the existing authority of 42 U.S.C. 264(a) and 42 CFR 71.20, 71.31(b), and 71.32(b), which were promulgated in accordance with the APA after full notice and comment rulemaking and a delayed effective date. If this Order qualifies as a new rule under the APA, notice and comment and a delayed effective date are not required because there is good cause to dispense with prior public notice and comment and a delay in effective date. *See* 5 U.S.C. 553(b)(B), (d)(3).

Based on the foregoing, I have determined that Ebola disease caused by the Bundibugyo virus, a highly transmissible quarantinable communicable disease designated as such by Executive Order 13295, as amended, is confirmed present in the DRC. I have also determined that Ebola disease if introduced into the United States would constitute a public health emergency. I have considered other alternatives, including reliance on airport-based public health screening, voluntary questioning, and expansion of the existing federal public health travel restrictions process, and have determined that these alternatives, standing alone or in combination, would not adequately address the identified risk given the disease's incubation period of up to 21 days, the substantial proportion of asymptomatic transmission-window travel, and the demonstrated capacity of a single infected traveler to consume substantial U.S. public health resources. Finally, I determine that requiring airline passengers to submit an attestation confirming that they have not been present in the DRC during the 21 days prior to boarding a flight to the United States, combined with a conditioning of controlled free pratique on airline confirmation of such attestations, is a necessary public health measure to protect the public health and prevent the introduction, transmission, and spread of Ebola disease into the United States. In making these determinations I have considered the prevalence of Ebola disease in the DRC, that country's limited ability to screen for the disease and engage in other mitigation measures, and the potential for spread in the United States. Accordingly, I find that any delay in issuing this Order beyond the minimum necessary for operationally feasible implementation would be contrary to the public's health

[7] CDC, CDC Statement on Ebola Outbreak in the Democratic Republic of Congo and Uganda: 7/10/26, *https://www.cdc.gov/media/releases/2026/cdc-ebola-outbreak-in-democratic-republic-of-congo-and-uganda.html* (last accessed October 13, 2026).

[8] Walsh, D. and Yoon, J., *U.S. Citizen Tests Positive for Ebola in Democratic Republic of Congo, https://www.nytimes.com/2026/07/11/world/africa/dr-congo-ebola-american-us-citizen.html?unlocked_article_code=1.w1A.A4kv.spNPZlf8jap6&smid=url-share* (last accessed October 13, 2026).

[9] CDC Travel Health Notices, *https://wwwnc.cdc.gov/travel/notices.*

[10] Mooring EQ, Koval WT, Routledge I, et al. *Modeled Scenario Projections for the Ebola Disease Outbreak Caused by Bundibugyo Virus, 2026.* MMWR Morb. Mortal Wkly. Rep. 2026;75:285–289. DOI: *http://dx.doi.org/10.15585/mmwr.mm7522e1.*

[11] *Id.*

[12] *Id.*

[13] CDC, Internal Decision Memo, June 26, 2026.

in the United States and therefore the public's interest.

Any delay in the effective date, would be impracticable and contrary to the public interest for the additional reason that the outbreak in the DRC continues to expand, the 21-day incubation period of Ebola disease means that each additional day of pre-effective delay materially increases the risk that infected persons will board flights bound for the United States while asymptomatic, and public notice of a forthcoming attestation requirement could prompt individuals presently in the DRC to accelerate their travel to the United States before the requirement takes effect, defeating the purpose of this Order.

If any provision of this Order, or the application of any provision to any carriers, persons, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any carriers, persons, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

Pursuant to 5 U.S.C. 553(b)(B), and for the reasons stated above, I hereby conclude that notice-and-comment rulemaking would defeat the purpose of the Order and endanger the public health, and is, therefore, impracticable and contrary to the public interest. For the same reasons, I have determined, consistent with 5 U.S.C. 553(d)(3), that there is good cause to make this Order effective immediately following the minimum delay necessary for the Order's implementation to be operationally feasible.

Action

For the reasons outlined above, I hereby determine that passengers covered by this Order are at risk of transmitting Ebola disease and requiring passengers to attest that they have not been present in the DRC during the 21 days prior to boarding a flight to the United States is needed as a public health measure to protect the health of other travelers and U.S. communities.

This Order shall remain in effect until rescinded or modified based on specific public health or other considerations, or until December 17, 2026, whichever occurs first. Any amendment or extension of this Order will be based on a review of then-current outbreak metrics, including case counts, geographic spread, community-transmission indicators, and containment capacity in affected countries.

1. Requirements for Airlines & Other Aircraft Operators

This Order conditions the grant of controlled free pratique on the airline compliance measures specified below. This Order does not regulate landing rights, airspace access, or aircraft certification, which remain within the jurisdiction of the Department of Transportation, the Federal Aviation Administration, and other agencies exercising their respective legal authorities.

Any airline or other aircraft operator with passengers who are not otherwise exempt from the requirements of this Order boarding a flight to the United States from a foreign country, shall:

A. Confirm to the U.S. Government, at or before the time of boarding, that all passengers boarding or onboard the aircraft have completed and signed an attestation in paper or digital format confirming that they have not been present in the Democratic Republic of the Congo (DRC) during the 21 days preceding their boarding a flight to the United States. For purposes of this requirement, ''confirm'' means that the airline or aircraft operator has reviewed the completed attestation from each covered passenger prior to boarding and has determined, based on the face of the attestation, that the attestation is complete and signed; and

B. Not board any passenger who has failed to complete and present such an attestation.

C. Retain a paper or digital copy each passenger's completed and signed attestation for at least 42 days after the passenger's flight departs for the United States from a foreign country and provide the attestation to the U.S. Government on request.

Any airline or other aircraft operator that fails to comply with section 1, ''Requirements for Airlines & Other Aircraft Operators,'' may be subject to criminal penalties under, *inter alia,* 42 U.S.C. 270 and 271 and 42 CFR 71.2, in conjunction with 18 U.S.C. 3559 and 3571 (providing for fines of up to $100,000 for individuals and $200,000 for organizations, and/or imprisonment of up to one year). CDC anticipates that separate compliance mechanisms may be established by the Transportation Security Administration pursuant to its own statutory authorities.

Any airline or other aircraft operator that fails to provide the U.S. Government the confirmation of completed attestations of all passengers as outlined above will not receive controlled free pratique to enter a U.S. port of entry, disembark passengers, and begin operation with respect to arriving at an airport in the United States.

2. Requirements for Aircraft Passengers Who Are Not Otherwise Exempt

A. Complete and sign the attestation under penalty of law as provided by 18 U.S.C. 1001 which provides criminal penalties for knowingly and willfully submitting false statements to the U.S. government; and

B. Provide for confirmation the completed and signed attestation to the airline or other aircraft operator confirming that they have not been present in the Democratic Republic of the Congo (DRC) during the 21 days preceding their boarding a flight to the United States.

The required attestation text is attached to this Order as Attachment A. Unless otherwise permitted by law, a parent or other authorized individual may present the required documentation on behalf of a passenger under 18 years of age. An authorized individual may act on behalf of any passenger who is unable to act on their own behalf (*e.g.,* by reason of age, or physical or mental impairment).

Any passenger who fails to provide this attestation, or submits false or misleading information, may face a delay of travel, denial of boarding, or denial of boarding on future travel.

Any passenger who fails to comply with the requirements of section 2, ''Requirements for Aircraft Passengers,'' may be subject to criminal penalties under, *inter alia,* 42 U.S.C. 271 and 42 CFR 71.2, in conjunction with 18 U.S.C. 3559 and 3571. Willfully giving false or misleading information to the government may result in criminal penalties under, *inter alia,* 18 U.S.C. 1001. This Order shall be enforceable through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 270, 271; and 42 CFR 71.2. The U.S. Department of Justice in its discretion may prosecute any individual who knowingly and willfully submits a false statement in violation of 18 U.S.C. 1001.

Effective Date

This Order takes effect at 11:59 p.m. Eastern Standard Time on November 3, 2026. For individuals intending to travel to the United States by air, the Order will apply to flights departing at or after 11:59 p.m. Eastern Standard Time on November 3, 2026.

In testimony whereof, the Assistant Secretary for Health, U.S. Department of Health and Human Services, has hereunto set his hand at _____, this October 22, 2026.

Admiral Brian Christine, MD,
Assistant Secretary for Health (ASH)

and Head of the United States Public Health Service (USPHS) Commissioned Corps, Department of Health and Human Services.

Authority

The authority for this order is Sections 361, 365, 368, and 369 of the Public Health Service Act (42 U.S.C. 264, 268, 270, and 271), as amended.

Brian Christine,

Assistant Secretary for Health (ASH) and Head of the United States Public Health Service (USPHS) Commissioned Corps, Department of Health and Human Services.

[FR Doc. 2026–21828 Filed 10–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–P–7178]

Determination That PEPCID RPD (Famotidine) Orally Disintegrating Tablets, 20 Milligrams and 40 Milligrams Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that PEPCID RPD (famotidine) orally disintegrating tablets, 20 milligrams (mg) and 40 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for famotidine) orally disintegrating tablets, 20 mg and 40 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Heather Dorsey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6220, Silver Spring, MD 20993–0002, 301–796–3600, *heather.dorsey@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg, are the subject of NDA 020752, held by Merck & Co., Inc., and initially approved on May 29, 1998. PEPCID RPD is indicated for short term treatment of active duodenal ulcer, maintenance therapy for duodenal ulcer patients at reduced dosage after healing of an active ulcer, short term treatment of active benign gastric ulcer, short term treatment of gastroesophageal reflux disease, and treatment of pathological hypersecretory conditions (*e.g.,* Zollinger-Ellison Syndrome, multiple endocrine adenomas).

In a letter dated September 11, 2013, Merck Sharp & Dohme Corp., (Merck) notified FDA that PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg, were being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book. In the same letter, Merck Sharp requested withdrawal of NDA 020752 for PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg. In the **Federal Register** of June 21, 2017 (82 FR 28322), FDA announced that it was withdrawing approval of NDA 020752, effective July 21, 2017.

Lachman Consultant Services, Inc. submitted a citizen petition dated June 29, 2026 (Docket No. FDA–2026–P–7178), under 21 CFR 10.30, requesting that the Agency determine whether PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg, were withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that these drug products were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list PEPCID RPD (famotidine) orally disintegrating tablets, 20 mg and 40 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to these drug products may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–21897 Filed 10–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–D–6729]

U.S.-Origin Statements on Seafood; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled ''U.S.-Origin Statements on Seafood.'' The draft guidance, when finalized, will provide examples of U.S.-origin statements in seafood product labeling that FDA would consider to be truthful and not misleading.

DATES: Submit either electronic or paper comments on the draft guidance by December 28, 2026 to ensure that FDA considers your comment on the draft guidance before we begin work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments, including attachments, submitted electronically to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not want to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not want to be made available to the public, submit the comment as a paper submission as specified in ''Paper Submissions'' and ''Instructions.''

Paper Submissions

Submit paper comments by mail/hand delivery/courier to Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified as confidential as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–D–6729 for ''U.S.-Origin Statements on Seafood.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' be publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not want to be made publicly available, submit your comment only as a paper submission. You should submit two copies total. In one copy, include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in our consideration of comments. In the second copy, redact/black out the claimed confidential information; this copy will be available for public viewing and will be posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not want your name and contact information to be made publicly available, provide this information on the cover sheet and not in the body of your comments and identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit paper requests for single copies of the draft guidance to the Division of Food Labeling/Office of Nutrition and Food Labeling, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to help that office process your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT:

With regard to the draft guidance: Pedro Cruz, Office of Nutrition and Food Labeling, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2371; or Deirdre Jurand, Office of Regulations and International Programs, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

With regard to the proposed collection of information: Chris Colburn, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–2093, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''U.S.-Origin Statements on Seafood.'' We are issuing the draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the applicable statutes and regulations.

In general, FDA-regulated food products may bear truthful and not misleading statements, including U.S.-origin statements, in their labeling. This draft guidance, when finalized, will provide examples of U.S.-origin statements in seafood product labeling that we would consider truthful and not misleading.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, as relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

U.S.-Origin Statements on Seafood: Draft Guidance for Industry

OMB Control Number 0910–0381—Revision

This draft guidance, if finalized, would provide examples of U.S.-origin statements in seafood product labeling that FDA would consider truthful and not misleading. These products include both single-ingredient seafood and the seafood components of multi-ingredient foods. Respondents that choose to use U.S.-origin statements on their seafood products should be able to substantiate the statements to show that they are truthful and not misleading.

Description of respondents: Respondents to this information collection are manufacturers, packers, and distributors of seafood. Respondents are from the private sector (for-profit businesses).

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ONE-TIME RELABELING BURDEN

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours	Total capital costs [1]
Relabel for U.S.-origin statement	1,150	5	5,750	1	5,750	$7,664,750

[1] There are no operating and maintenance costs associated with this collection of information.

The burden estimates in Table 1 are based on FDA's institutional experience and knowledge of the seafood industry. We assume there are two scenarios where seafood products would be relabeled. The first scenario would involve a product currently labeled with a U.S.-origin statement, where the respondent chooses to remove such statement. The second scenario would involve a product not currently labeled with a U.S.-origin statement, where the respondent chooses to add such statement. Both instances involve relabeling. Because these statements are voluntary, we do not know how many respondents would make labeling changes. For the purpose of this analysis, we estimate that there are about 2,300 domestic manufacturers, packers, and distributors of seafood. Further, we estimate that approximately half of them (1,150 firms) would change their labels to either add or remove a U.S.-origin statement. We estimate that each firm would change 5 labels with each label taking about an hour to revise for an annual third-party disclosure burden of 5,750 hours (1,150 firms × 5 labels × 1 hour). Based on our experience with other relabeling policies, we estimate relabeling each product that respondents choose to relabel would cost $1,333 assuming a three-year adoption period. That calculates to an annual capital cost of $7,664,750 ($1,333 × 5,750 labels). This is the cost of designing revised labels and incorporating them into the manufacturing process. We believe that this would be a one-time capital cost.

This estimate also does not include maintaining records to substantiate a statement as respondents already maintain records as a usual and customary business practice.

III. Electronic Access

You may obtain the draft guidance at: *https://www.fda.gov/FoodGuidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.* Use the FDA websites listed in the previous sentence to find the most current version of the guidance.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–21838 Filed 10–23–26; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval: Public Comment Request; Organ Procurement and Transplantation Network Board of Directors and Committee Member Applications and Forms

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than October 27, 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–9094.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Organ Procurement and Transplantation Network Board of Directors and Committee Member Applications and Forms, OMB No. 0906-New.

Abstract: The Organ Procurement and Transplantation Network (OPTN) is a public-private partnership that links professionals involved in the U.S. donation, procurement, and transplantation system. The OPTN focuses on promoting long, healthy, and productive lives for people with organ failure. The OPTN also aims to increase opportunities for transplants, optimize organ use, enhance efficiency, and prioritize patient care. The OPTN Board of Directors (BOD) is authorized by section 372 of the National Organ Transplant Act of 1984 (NOTA) (*see* 42 U.S.C. 274(b)(1)(B)), and the operation composition of the OPTN BOD are further codified in federal regulation under the regulations implementing NOTA (*see* 42 CFR 121.3(a)). These regulations also provide that the OPTN BOD shall ''establish committees as are necessary to perform the duties of the OPTN'' and describe the composition of these committees (see 42 CFR 121.3(a)(4)). As part of the ongoing OPTN Modernization Initiative (*https://www.hrsa.gov/optn-modernization/learn-more-about-modernization*), HRSA seeks OMB approval of applications to be completed by candidates interested in volunteering to serve on the OPTN BOD and/or on the committees that support the BOD. Members of the OPTN BOD and committees do not receive payment for this work. HRSA also seeks approval of conflict-of-interest (COI), code of conduct, confidentiality, and attestation forms to be completed by the selected/confirmed members of the OPTN BOD, committees, and review boards on an annual, tri-annual, or ad hoc basis. The OPTN BOD consists of 35 members who serve 2 to 3-year terms and are supported by 21 committees with a total of approximately 419 members with the same term limits. Select members of the BOD also serve on committee(s) as Visiting Board Members. In addition, there are ad hoc committees or BOD workgroups that may be established to work on time-limited issues, and these members (approximately 20 a year) would fill out the annual COI form as well. Given some committee turnover, there are approximately 505 committee and BOD members filling out the annual COI form, code of conduct form, confidentiality form, and attestation form every year. In addition, approximately 841 members of OPTN Review Boards will fill out the annual COI form, confidentiality agreements, and code of conduct forms.

A 60-day Notice was published in the **Federal Register** on August 6, 2026, Vol. 91, No. 150, FR pp. 50861. HRSA received comments from one entity, the Association of Organ Procurement Organizations. The commenter recognized the important role of volunteers within the OPTN and provided recommendations intended to clarify and improve the proposed Board of Directors and Committee Volunteer Interest Forms and the COI disclosure forms. The commenter recommended revisions to the forms related to questions concerning applicant disciplinary history, Organ Procurement Organization (OPO) roles and transplant programs, living and deceased donor experience, social media information, prior OPTN volunteer service, financial interests, and the frequency of recurring COI disclosures.

On Form 1, the commenter asked for the justification for requesting social media handles and expressed concern that they would be used to screen out applicants with divergent views.

HRSA Response: HRSA removed an optional open-ended question regarding social media handles.

On Form 1, the commenter expressed concern that a question asking about an applicant's employer facing regulatory discipline could require an applicant to disclose confidential information.

HRSA Response: HRSA revised the question concerning criminal, ethics, or regulatory disciplinary matters. The revised question no longer requests information concerning disciplinary matters involving an applicant's employer and separates the remaining inquiry into two yes/no questions addressing prior actions and currently pending matters regarding the applicant and not the employer.

On Form 1, the commenter also asked, for clarification purposes, to list ''organ donor'' as ''living donor'' and allowing for OPO experience to be marked as OPO-administrative versus OPO-clinical.

HRSA Response: HRSA revised Form 1 and accepted both changes.

On Form 1, the commenter expressed concern that questions asking patient and family members about their advocacy and outreach experience may discourage people from applying if they lack this experience.

HRSA Response: Regarding the comment that the questions may discourage applicants who lack outreach or advocacy experience, the form also asks for other background experience in areas such as finance, governance, and ethics. The nominating committee considers all applicants, and inclusive language will be included in outreach materials for these roles.

On Forms 1 and 2, the commenter suggested some questions did not appear to apply to the procurement side because they only mentioned transplantation experience.

HRSA Response: On Forms 1 and 2, HRSA broadened ''transplant'' language throughout to ''transplant, donation, or procurement'' in order to be more inclusive to applicants on the donation or procurement side.

Based on feedback from leadership of the OPTN Board of Directors, on Forms 1 and 2, HRSA added two employment-related questions regarding the applicant's current employment status and whether the applicant's employer is aware of the application. These questions require only selection from predefined response options and are expected to require negligible time to complete.

On Form 3, the commenter suggested the financial question in the COI form was overly broad and should be more limited.

HRSA Response: HRSA clarified in the COI form (the annual COI form as well as the tri-annual COI form) that financial conflicts should exclude salary from current employers and exclude investments in broadly diversified funds. However, HRSA is not adopting the proposed 5 percent threshold. The question intentionally reaches the broader concept of an individual's or family member's ''ownership or beneficial interest.'' A 5 percent threshold could exclude financial interests that might still create an actual, potential, or perceived COI in the OPTN context.

On Form 3, the commenter expressed concern that disclosing information in the COI form could be used to screen applicants with diverse views from serving.

HRSA Response: HRSA appreciates the commenter's concern. As noted in the instructions, answering ''Yes'' to any question does not automatically

preclude an individual from serving. Rather, the information provided is used to assist in assessing the relevant circumstances.

On Form 3 and Form 4, the commenter suggested an annual filing with reminders to file any changes in the interim as they occur rather than the tri-annual cadence between annual filings.

HRSA Response: The OPTN has members fill out the form proactively with updates on a tri-annual basis to ensure the most recent COI information is collected to uphold the strongest governance standards. However, volunteers are also asked to submit updates every time a change takes place between filings, so COI information is up to date ahead of every meeting.

Need and Proposed Use of the Information: HRSA and the OPTN anticipate collecting committee and BOD applications on an annual basis for committee and board openings. Resumes are requested and required for Board applicants and requested but not required for committee applicants. To ensure applicants to the OPTN BOD and committees have the appropriate expertise, the proposed applications will collect information including candidates' professional background, expertise, experience in organ donation and transplantation, and areas of interest. The OPTN and its Nominating Committee, with HRSA oversight, will evaluate the applications to analyze qualifications and support a structured nomination and selection process. The application information will help ensure the OPTN governance bodies are composed of individuals with the necessary knowledge, skills, and perspectives to effectively oversee and support the nation's organ donation and transplantation system.

In addition, annual COI disclosures will be collected from BOD, committee members, and will be used to review board members upon their election/selection or annual anniversary. The BOD and Membership and Professional Standards Committee members will also submit COI updates on a tri-annual basis as well as fill out an ad hoc COI form when needed. HRSA and the OPTN will use information collected via the selected BOD and committee members' COI forms to routinely identify, monitor, prevent, and address actual, potential or appearances of COI relating to the operation of the OPTN. HRSA will use this information to strengthen oversight and accountability within the OPTN to enhance trust and confidence among stakeholders and the public. Without access to this information, HRSA and the OPTN would be less able to prevent potential conflicts of interest, which could jeopardize the independence and objectivity of the OPTN BOD and committees that inform national organ procurement and transplantation policy. Upon committee election or appointment and volunteer orientation, BOD and committee members will complete and submit an attestation form, confidentiality agreement, as well as the code of conduct. The code of conduct and confidentiality agreement, and attestation are collected to ensure that OPTN BOD and committee members annually acknowledge their obligations to act in the best interests of the OPTN, comply with applicable ethical and conduct requirements, protect confidential information, and uphold the standards necessary to maintain good standing and public trust in OPTN governance.

Likely Respondents: Respondents completing the application forms will be individuals who express interest in serving in volunteer governance or committee roles within the OPTN. This includes a broad and diverse group of stakeholders involved in or connected to organ donation and transplantation, such as transplant professionals (*e.g.,* physicians, surgeons, coordinators, administrators), OPO personnel, histocompatibility experts, researchers, patients, living donors, family members, caregivers, and members of the public with relevant expertise (*e.g.,* ethics, finance, governance, public policy, or operations). Respondents may be employed or unaffiliated individuals and will represent a wide range of professional disciplines, lived experiences, and geographic regions across the United States, helping to support a more dynamic and representative governance process. Respondents completing the COI forms, code of conduct, confidentiality, and attestation forms will be individuals who have been elected or appointed to committee, review board, and BOD positions for the OPTN.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

HRSA calculated estimated burden hours based on internal testing for completing each form. The estimated total annual burden for this information collection is 2,110.84 hours across all respondents on an annual basis, including for both tri-annual and annual responses. HRSA made minor revisions to several forms, and in the annual and tri-annual conflict-of-interest forms consolidated eight conflict questions down to two. In addition, since two questions were added to the application forms, the time increased slightly for the committee application but remained the same for the board application as two questions were removed. HRSA also increased the total volume of respondents by adding 841 review board member volunteers to receive the COI, confidentiality, and code of conduct forms annually. Thus, the total number of responses increased from the 60-day FRN to the 30-day FRN from 5,160 to 7,683, and the total burden hours increased from 1,870.39 to 2,110.84.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form No.	Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
1	OPTN Board of Directors Volunteer Interest Form*+	304	1	304	1.50	456.00
2	OPTN Committee Interest Form*+	838	1	838	1.27	1,064.26
3	OPTN Annual Conflict-of-Interest Disclosure Questionnaire+.	1,346	1	1,346	0.13	174.98
4	OPTN Conflict-of-Interest Disclosure: Tri-Annual Update+	74	3	222	0.08	17.76

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form No.	Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
5	OPTN Ad hoc Conflict-of-Interest Disclosure Questionnaire **+.	74	24	1,776	0.08	142.08
6	OPTN Attestation Form	505	1	505	0.08	40.40
7	OPTN Code of Conduct Form	1,346	1	1,346	0.08	107.68
8	OPTN Volunteer Confidentiality Agreement+	1,346	1	1,346	0.08	107.68
	Total	5,833	.....	7,683	.....	2,110.84

*Estimated responses per year, every 2-to-3 years.
**Board members submit ad hoc conflict-of-interest forms prior to each monthly meeting, and before any ad hoc Board Meeting or Executive Board meeting with specific institution-based discussion.
+Form name has been updated since the publication of the 60-day **Federal Register** Notice.

Amy P. McNulty,

Deputy Director, Executive Secretariat.

[FR Doc. 2026–21857 Filed 10–26–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurosensory Systems.

Date: November 23–24, 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: Li Jia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8068, *li.jia@nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; RFA Panel: Cardiovascular Science.

Date: November 23, 2026.

Time: 9:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nawazish Ali Naqvi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–7911, *nawazish.naqvi@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cognitive and Language Habilitation and Rehabilitation.

Date: November 23–24, 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: Devon Rene Oskvig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–9088, *devon.oskvig@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training and Career Development: Epidemiology and Population Health.

Date: November 24, 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: Magnus A. Azuine, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–7579, *azuinema@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Interdisciplinary fields of Bioengineering, Imaging and Vascular Sciences.

Date: November 24, 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: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–7085, *zhihong.shan@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 23, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–21903 Filed 10–26–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received by November 27, 2026.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, contact: Tom Burklow, MD, Office of Clinical Research Training and Medical Education, NIH Clinical Center, National Institutes of Health, 10 Center Drive, Room 1N262, Bethesda, MD 20892–1158, or call non-toll-free number 301–435–8015, or email your request, including your address to: *tom.burklow@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on August 6, 2026, page 50864 (Vol. 91, No. 450) and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Clinical Center, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection Title: Application Process for Clinical Research Training and Medical Education at the NIH Clinical Center and Its impact on Course and Training Program Enrollment and Effectiveness, 0925–0698, REVISION, Exp., date October 31, 2026, National Institutes of Health Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information Collection: The primary objective of the application process is to allow the Office of Clinical Research Training and Medical Education (OCRTME) at the NIH Clinical Center to evaluate applicants' qualifications to determine applicants' eligibility for training programs managed by the Office. Applicants must provide the required information requested in the respective applications to be considered a candidate for participation. Information submitted by candidates for training programs is reviewed initially by OCRTME administrative staff to establish eligibility for participation. Eligible candidates are then referred to the designated training program director/administrator or training program selection committee for review and decisions regarding acceptance for participation. Upon acceptance, OCRTME will collect required eligibility documents for respective training programs. A secondary objective of the application process is to track enrollment in training programs over time.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours 400.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Clinical Electives Program	Pre Doctoral Students.	300	1	20/60	100
Graduate Medical Education	Physicians	100	1	20/60	33
Medical Research Scholars Program	Pre Doctoral Students.	200	1	20/60	67
Resident Electives Program	Physicians	100	1	20/60	33
Bioethics Fellowship Program	Pre Doctoral, Post-Doctoral.	200	1	20/60	67
OCRTME Onboarding Application	Pre Doctoral Students.	300	1	20/60	100
Total			1,200		400

Dated: October 21, 2026.

Frederick D. Vorck Jr.,

Project Clearance Liaison, NIH Clinical Center, National Institutes of Health.

[FR Doc. 2026–21904 Filed 10–26–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Inquiries related to this licensing opportunity should be directed to: Jonathan Motley at 240–669–5209, or *jonathan.motley@nih.gov.* Licensing information may be obtained by communicating with the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished information related to the invention.

SUPPLEMENTARY INFORMATION: Technology description follows:

Compositions and Methods for Detecting Lymphatic Filariasis

Description of Technology

Lymphatic filariasis (elephantiasis; LF) is a neglected tropical disease characterized by painful deformation of the host. LF affects over 120 million people throughout the tropics and subtropics of Asia, Africa, the Western Pacific, and parts of the Caribbean and South America. LF results from infection with the filarial parasites *Wuchereria bancrofti* or *Brugia malayi.* Current methods of confirming active

infection by *W. bancrofti* or *B. malayi* include microscopy and immunoassays using serum/plasma extracted from the patient. However, the sensitivity of microscopy detection varies among patients, and existing immunoassays show cross-reactivity with antibodies directed towards other parasites, such as *Onchocerca volvulus* or *Loa loa,* whose geographic distribution can overlap with the LF-causing filarial parasites.

This new technology addresses the limitation of cross-reactivity, presenting an opportunity for a directed assay towards the detection of *W. bancrofti* or *B. malayi.* Preliminary data against sera from LF-affected individuals indicates Wb4 is effective at detecting *B. malayi.* Wb4B, a modified version of recombinant Wb4 that lacks the nineteen (19) amino acid signal sequence of full-length Wb4, appears capable of isolation and purification by traditional molecular biology techniques and shows improved response in immunoassays.

The subject technology, including the antigen sequence for Wb4B and plasmids enabling bacterial, insect, and mammalian cell expression, is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

There may be the potential to combine this technology with other NIAID-developed biomarker technologies (Wb123, available for licensing, HHS Ref. No. E–281–2010–0, ''Diagnostic Assays and Methods of Use for Detection of Filarial Infection'' and Wb5, available for licensing, HHS Ref. No. E–093–2022–0, ''Compositions and Methods for Detecting Lymphatic Filariasis'') for the development of a multiplex assay for detection of active *W. bancrofti* or *B. malayi* infection for diagnostic or surveillance purposes.

Potential Commercial Applications:

- Diagnostics for *W. bancrofti* and *B. malayi* infection.
- Surveillance for *W. bancrofti* and *B. malayi* prevalence.

Competitive Advantages:

- Increased specificity compared to available diagnostics.
- Differentiation from other parasites with similar geographic footprints.

Development Stage:

- Pre-Clinical.

Inventors: Dr. Thomas B. Nutman and Dr. Sasisekhar Bennuru, both of NIAID.

Intellectual Property: HHS Reference No. E–067–2024–0. U.S. Provisional Patent Application No. 63/672,667, filed on July 17, 2024, and PCT Application No. PCT/US2025/037585, filed on July 17, 2025.

Related Inventions: Diagnostic Assays and Methods of Use for Detection of Filarial Infection (HHS Reference No. E–281–2010–0); Compositions and Methods for Detecting Lymphatic Filariasis (HHS Reference No. E–093–2022–0).

Licensing Contact: To license this technology, please contact Jonathan Motley at 240–669–5209, or *jonathan.motley@nih.gov,* and reference E–067–2024–0.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. For collaboration opportunities, please contact Jonathan Motley at 240–669–5209, or *jonathan.motley@nih.gov.*

Dated: October 22, 2026.

Surekha Vathyam,

Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2026–21905 Filed 10–26–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0110]

Notification of the Imposition of Conditions of Entry on Vessels Arriving from Somalia

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The U.S. Coast Guard announces that it is adding the Federal Republic of Somalia to the Port Security Advisory.

DATES: The policy announced in this notice is effective on October 27, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Edward Munoz, Division Chief, International Port Security Assessments, U.S. Coast Guard, telephone 202–372–2122, *HQS-DG-IPSProgramHQs@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

The authority for this notice is 5 U.S.C. 552(a) (''Administrative Procedure Act''), 46 U.S.C. 70110 (''Maritime Transportation Security Act''), and Department of Homeland Security Delegation No. 0170.1(II)(97)(f). As delegated, section 70110(a) authorizes the U.S. Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the U.S. Coast Guard has not found to maintain effective antiterrorism measures. Accordingly, the U.S. Coast Guard has determined that Somalia is not maintaining effective antiterrorism measures in its ports and is imposing conditions of entry on vessels arriving to the U.S. from the ports of Somalia.

With this notice, the current list of countries assessed and not maintaining effective antiterrorism measures is as follows: Cambodia, Cameroon, Comoros, Cuba, Democratic People's Republic of Korea (North Korea), Equatorial Guinea, Gambia (The), Guinea-Bissau, Haiti, Iran, Iraq, Libya, Madagascar, Micronesia (Federated States of), Nauru, Sao Tome and Principe, Seychelles, Somalia, Sudan, Suriname, Syria, Timor-Leste, Venezuela, and Yemen. The current Port Security Advisory is available at: *http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/International-Domestic-Port-Assessment/.*

Nathan A. Moore,

Vice Admiral, USCG, Deputy Commandant for Operations.

[FR Doc. 2026–21865 Filed 10–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Customs Broker Permit User Fee Payment for 2027

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document provides notice to customs brokers that the annual user fee that is assessed for each permit held by a customs broker, whether an individual, partnership, association, or corporation, is due no later than January 29, 2027. Pursuant to fee adjustments required by the Fixing America's Surface Transportation Act (FAST Act) and the U.S. Customs and Border Protection (CBP) regulations, the customs broker permit user fee payable for calendar year 2027 will be $190.88.

DATES: Payment of the 2027 Customs Broker Permit User Fee is due no later than January 29, 2027.

FOR FURTHER INFORMATION CONTACT: Hannah Arnold, Chief, Broker Administration Branch, Office of Trade,

(202) 744–1170, or by email at *hannah.p.arnold@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 111.96 of title 19 of the Code of Federal Regulations (CFR) (19 CFR 111.96(c)), U.S. Customs and Border Protection (CBP) assesses an annual user fee for each customs broker permit granted to an individual, partnership, association, or corporation. The CBP regulations provide that this fee is payable each calendar year for a national permit held by a customs broker and must be paid by the due date published annually in the **Federal Register**. *See* 19 CFR 24.22(h) and (i); 19 CFR 111.96(c).

Section 24.22 of title 19 of the CFR (19 CFR 24.22) sets forth the terms and conditions for when fees for certain services, including specific customs user fees, are required. The specific customs user fee amounts that appear in 19 CFR 24.22 are not the actual fees but represent the base year amounts that are subject to adjustment each fiscal year in accordance with the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94, December 4, 2015). Section 32201 of the FAST Act amended section 13031 of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (19 U.S.C. 58c) by requiring the Secretary of the Treasury to adjust certain customs COBRA user fees and corresponding limitations to reflect certain increases in inflation. Paragraph (k) of section 24.22 of title 19 of the CFR (19 CFR 24.22(k)) sets forth the methodology to adjust fees for inflation and to determine the change in inflation, including the factor by which the fees and limitations will be adjusted, if necessary.

Customs brokers are subject to an annual customs broker permit user fee calculated using the base year amount in Appendix A to 19 CFR part 24, as adjusted by the terms in 19 CFR 24.22(k). *See* 19 U.S.C. 58c(a)(7) and 19 CFR 24.22(h). In accordance with 19 CFR 24.22, CBP determines annually whether an adjustment to the fees and limitations is necessary and publishes a **Federal Register** notice specifying the amount of the fees and limitations for each fiscal year. On July 31, 2026, CBP published a **Federal Register** notice, entitled Customs User Fees To Be Adjusted for Inflation in Fiscal Year 2027 (CBP Decision 26–14), which announced, among other fee adjustments, that the annual customs broker permit user fee will increase to $190.88 for calendar year 2027. *See* 91 FR 48398.

Thus, as required by 19 CFR 24.22, CBP provided notice in the **Federal Register** of the annual fee amount at least 60 days prior to the date that the payment is due for each customs broker national permit. This document notifies customs brokers that, for calendar year 2027, the due date for payment of the annual customs broker permit user fee is January 29, 2027. If a customs broker fails to pay the annual customs broker permit user fee by January 29, 2027, the national permit is revoked by operation of law. *See* 19 CFR 111.45(b) and 111.96(c).

Customs brokers are strongly encouraged to submit the payment electronically via the eCBP portal located at *https://e.cbp.dhs.gov/brokers/#/home.* Customs brokers who are first-time users of the eCBP portal must create a *Login.gov* account. Instructions and training resources—such as user and quick reference guides for customs brokers on how to create a *Login.gov* account and how to use the eCBP portal—can be found on CBP's website at *https://www.cbp.gov/trade/eCBP.* CBP will also accept payments at the processing center as defined in 19 CFR 111.1, in accordance with the remittance procedures in 19 CFR 24.22(i).

Susan S. Thomas,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2026–21853 Filed 10–26–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Suspension of the Commonwealth of the Northern Mariana Islands (CNMI) Economic Vitality & Security Travel Authorization Program (EVS–TAP)

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: This notice announces the decision of the Secretary of Homeland Security (Secretary) to suspend the Commonwealth of the Northern Mariana Islands (CNMI) Economic Vitality & Security Travel Authorization Program (EVS–TAP). EVS–TAP allows prescreened nationals of the People's Republic of China (PRC) to travel to the CNMI without a visa for temporary visits under specified conditions. Pursuant to the Immigration and Nationality Act and Department of Homeland Security (DHS) regulations, the Secretary has broad authority to suspend the program for good cause, including threats to national security, law enforcement interests, and immigration enforcement. The Secretary has determined that there is good cause to suspend EVS–TAP, while DHS, in consultation with the Secretary of State and the Secretary of the Interior, evaluates the program.

DATES: Suspension of the CNMI EVS–TAP is effective at 1400 EDT on October 30, 2026.

FOR FURTHER INFORMATION CONTACT: Melanie Mataxas, Traveler Authorization and Communications Program Management Office, Office of Field Operations, U.S. Customs and Border Protection, at (202) 325–1372, or via email at *melanie.d.mataxas@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

Generally, under the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et. seq.*, aliens seeking admission to the United States, including nonimmigrants visiting temporarily for business or pleasure, must obtain a visa before traveling to the United States. *See* section 212(a)(7)(B)(i) of the INA, 8 U.S.C. 1182(a)(7)(B)(i). In 2008, Congress enacted the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110–229, 122 Stat. 754, which generally applied the INA, including the standard visa requirements, to Guam and the Commonwealth of the Northern Mariana Islands (CNMI). *See* 48 U.S.C. 1806(a); sections 212 and 214 of the INA, 8 U.S.C. 1182 and 1184. Under the standard visa application process, nonimmigrant visitors must complete an application, submit fingerprints and certain biometrics, and participate in an interview at a U.S. Consulate or Embassy, subject to certain exceptions. *See* section 222 of the INA, 8 U.S.C. 1202; 8 CFR 103.2; 22 CFR part 42.

As a part of the CNRA, however, Congress also authorized the creation of a specific visa waiver program for travel specific to Guam and the CNMI.[1] Section 212(l) of the INA, 8 U.S.C. 1182(l), as amended by the CNRA, sets forth the general parameters of this specific visa waiver authority. The

[1] The CNRA's Guam-CNMI Visa Waiver Program replaced the pre-existing Guam-only Visa Waiver Program authorized under section 212(l) of the INA. *See* Public Law 99–396, sec. 14 (1986). The Guam-CNMI Visa Waiver Program is separate from the U.S. Visa Waiver Program (U.S. VWP), which is authorized under section 217 of the INA, 8 U.S.C. 1187. That program allows for citizens or nationals of countries designated as U.S. VWP participating countries to travel to the entire United States, after obtaining an Electronic System for Travel Authorization (ESTA), for business or tourism stays for up to 90 days without a visa.

statute authorizes the Secretary of Homeland Security (the Secretary), in consultation with the Secretary of the Interior and the Secretary of State, to designate countries whose nationals can seek admission to Guam or the CNMI as nonimmigrant visitors for business or pleasure for a period up to 45 days without first obtaining a nonimmigrant visa if certain conditions are met. *See* section 212(l)(1) of the INA, 8 U.S.C. 1182(l)(1). The statute also provides for a consultation process that allows the Governors of Guam and the CNMI to request that certain countries be added to the list of countries whose nationals are eligible for admission without a visa. *See* section 212(l)(6) of the INA, 8 U.S.C. 1182(l)(6).

Importantly, section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5), directs the Secretary to monitor the admission of nonimmigrant visitors admitted under the Guam-CNMI Visa Waiver Program (G–CNMI VWP), and mandates suspension of participation, on a country-by-country basis, if admissions lead to an unacceptable number of visitors from a country remaining unlawfully in Guam or the CNMI, unlawfully obtaining entry to other parts of the United States or seeking asylum or withholding of removal, or such visitors pose a risk to U.S. security, law enforcement, or immigration enforcement interests. Additionally, the statute further authorizes the Secretary to suspend the program at any time, on a country-by-country basis, for other good cause. *See* section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5). And it also provides that the Secretary, after consultation with the Secretary of the Interior and the Secretary of State, may discontinue the G–CNMI VWP on a country-by-country basis entirely after considering relevant factors. *See* section 212(l)(3), (4) of the INA, 8 U.S.C. 1182(l)(3), (4).

As required by statute, the Department of Homeland Security (DHS) has issued a series of regulations and regulatory actions to create and implement the G–CNMI VWP and the above discussed statutory framework. *See* section 212(l)(3), 8 U.S.C. 1182(l)(3) (directing DHS to issue ''all necessary regulations'' to implement the G–CNMI visa waiver authority); 8 CFR 212.1(q), (r). In January 2009, DHS issued an interim final rule (IFR) amending DHS regulations to, among other things, set forth the requirements and procedures for an authorized country's nationals to participate in G–CNMI VWP. *See* 74 FR 2824 (Jan. 16, 2009) (2009 IFR). The 2009 IFR also codified in DHS's regulations the Secretary's authority to suspend or terminate that participation on a country-by-country basis. *See* 74 FR 2825–29.

At the time, the 2009 IFR announced the Secretary's determination, after appropriate consultations, that the nationals of several countries were eligible for participation in the G–CNMI VWP. 74 FR 2827; *see also* 8 CFR 212.1(q)(2)(ii). DHS determined that PRC nationals would not be eligible to participate in the G–CNMI VWP due to political and security concerns. 74 FR 2826–27. However, in recognition of the economic significance of visitors from the PRC to the CNMI, the then-Secretary also announced that U.S. Customs and Border Protection (CBP) would favorably consider eligible PRC nationals for parole into the United States, on a case-by-case basis, pursuant to INA 212(d)(5), 8 U.S.C. 1182(d)(5), rather than requiring these individuals to obtain nonimmigrant visas. *See* 89 FR 3299, 3302.

In 2024, DHS published an IFR updating the G–CNMI–VWP, requiring, among other things, that nationals from authorized countries must seek electronic travel authorization under the G–CNMI VWP, and creating a restricted sub-program for PRC nationals seeking visa-exempt travel to the CNMI only. 89 FR 3299 (Jan. 18, 2024) (2024 IFR). This sub-program is known as the CNMI EVS–TAP. EVS–TAP regulations, codified at 8 CFR 212.1(r), were developed following consultations between the Federal Government of the United States and the Government of the CNMI, and were structured to balance the importance of the PRC tourism industry to the CNMI with national security, public safety, and immigration concerns related to PRC nationals traveling visa-exempt to the CNMI. *See* 89 FR 3302–3304, 3306. To that end, EVS–TAP regulations include additional restrictions that do not currently pertain to the rest of the G–CNMI VWP. For example, under EVS–TAP, travel authorizations are granted for a period of one year; travelers from the PRC are allowed to enter only the CNMI without a visa, are not permitted to enter Guam, the mainland, or any other U.S. location, and are generally authorized to remain in the CNMI for a maximum of 14 days per visit. *See* 8 CFR 212.1(r)(2), (9). In creating this regulatory program, DHS also explicitly preserved the Secretary's broad statutory authority in section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5), to suspend EVS–TAP. The applicable DHS regulation, 8 CFR 212.1(r)(3)(i), authorizes the Secretary to suspend EVS–TAP for good cause, including where the admission of PRC national visitors to the CNMI under EVS–TAP creates unacceptable risks to U.S. security interests, law enforcement, or immigration interests.

At the time these programs were established, to fully integrate the two automated systems in an efficient and cost-effective manner, DHS determined that EVS–TAP should be implemented after the system for G–CNMI VWP automation became fully operational. *See* 89 FR 3303, 3310 and 8 CFR 212.1(r)(11). The G–CNMI VWP automation became fully operational in November 2024 after a transition period provided by the IFR. *See* 90 FR 658, 659 (Jan. 6, 2025). On January 6, 2025, DHS published the required notice in the **Federal Register**, 90 FR 658, announcing implementation of EVS–TAP with an effective date of February 20, 2025.[2] Concurrently, the previous parole policy for PRC nationals seeking to enter the CNMI was discontinued on February 20, 2025. *See id.*

Suspension of EVS–TAP

After careful consideration, and consistent with the authorities provided under section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5), and the CNRA, as well as the DHS regulations at 8 CFR 212.1(r) establishing EVS–TAP and giving the Secretary broad authority to suspend the program, *see* 8 CFR 212.1(r)(3), the Secretary has determined there is good cause to suspend the EVS–TAP. This suspension is effective at 1400 EDT on October 30, 2026 for potential new applicants to EVS–TAP as well as previously approved travelers with an existing EVS–TAP travel authorization.[3] PRC nationals already admitted under EVS–TAP and legally present in the CNMI on the effective date of this notice will be permitted to remain for their current authorized period of stay, however, these travelers will need to

[2] Note that the January 6, 2025, **Federal Register** notice contained a typo listing the implementation year as 2024 instead of 2025.

[3] In addition to providing the Secretary with broad authority to suspend the Guam-CNMI visa waiver program on a country-by-country basis, section 212(l)(5) of the INA and the Department's EVS–TAP regulations give the Secretary broad authority to take action to ensure the suspension is effective, including by authorizing the Secretary to revoke previously approved travel authorizations. *See* section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5) (authorizing the Secretary to suspend the ''admission of nationals'' when the nationals of that country pose a risk to law enforcement or the security interests of Guam, the CNMI, or the United States, and to suspend the ''program at any time, on a country-by-country basis for good cause''); *see also* 8 CFR 212.1(r)(9)(vi)(C) (authorizing the Secretary to ''revoke'' in his discretion a determination under EVS–TAP that an alien is eligible to travel to the CNMI to apply for admission under the EVS–TAP).

obtain a visa for any future travel to the CNMI.

The Secretary has found good cause for the suspension because the United States is facing evolving and sophisticated threats which, combined with a significant number of PRC nationals entering the CNMI under EVS–TAP, creates a significant risk to the security and law enforcement interests of the United States. In Fiscal Year (FY) 2025, more than 3,000 PRC nationals utilized EVS–TAP to enter the CNMI under the streamlined travel authorization process.[4] These PRC nationals are vetted through CBP instead of by a State Department consular officer. While the program was intended to facilitate economic travel and enhance security over the prior parole policy, this volume of visa-exempt entries presents unacceptable security and law enforcement risks. DHS judges that PRC nationals are almost certainly exploiting EVS–TAP. Prior incidents involving PRC nationals who used the former parole process or other streamlined travel to the CNMI demonstrate an enduring vulnerability involving unauthorized onward travel and activity near sensitive military installations. EVS–TAP continued to permit travel without the additional screening associated with a nonimmigrant visa and therefore did not eliminate this underlying vulnerability.

One significant national security concern is that EVS–TAP may be exploited to facilitate PRC espionage and intelligence collection directed against sensitive U.S. defense infrastructure in the region. The Indo-Pacific region and the security of Guam and the CNMI are of vital strategic importance to the United States. In the CNMI, the Department of War (DOW) is restoring the Tinian Air Base to support U.S. military strategic interests in the Indo-Pacific. Additionally, neighboring Guam is also home to several DOW military installations critical to homeland defense and U.S. military interests. Despite the strict regulatory prohibition against PRC nationals traveling beyond the CNMI, PRC nationals have the ability to illegally travel from the CNMI to Guam aboard smuggling vessels.

For example, prior to the implementation of EVS–TAP, in March 2024, the United States Attorney for the Districts of Guam and the Northern Mariana Islands, announced sentencing of a PRC national for conspiring to transport illegal aliens. In this case, the PRC national smuggler was engaged in smuggling nine other PRC nationals from CNMI to Guam.[5] Similarly, in February 2025, the United States Attorney for the Districts of Guam and the Northern Mariana Islands in Saipan and Guam announced sentencing of a PRC national who had engaged in conspiracy to transport illegal aliens, by smuggling seven other PRC nationals from CNMI to Guam. Most of these PRC nationals were later encountered in or near sensitive military installations. As the United States Attorney at the time stated, these aliens ''took advantage of unique federal immigration regulations that permit certain foreign nationals to visit the CNMI as tourists. Any local economic benefits from these provisions are lost when those persons later attempt to unlawfully enter another part of the United States'' and linger around sensitive military installations.[6] DHS believes that circumventing onward travel restrictions, potentially exposing critical U.S. military installations, present unacceptable risks to U.S. national security interests, which DHS must take action to prevent.

In addition to espionage, EVS–TAP may create immigration enforcement challenges by aliens who seek to exploit EVS–TAP to engage in birth tourism and secure U.S. citizenship for children with no lasting ties to the United States. While birth tourism has long been an issue in the CNMI, the availability of visa-exempt travel and reduced vetting under EVS–TAP may lower barriers to this practice. Birth tourism can strain medical infrastructure in the CNMI and harm local citizens. Additionally, birth tourism may also be utilized to facilitate long-term intelligence or espionage activities. Suspending EVS–TAP allows DHS to evaluate measures to mitigate this threat.

Furthermore, the CNMI's history of PRC-linked criminal activity demonstrates the risks that must be considered when assessing streamlined, visa-exempt travel under EVS–TAP. The CNMI has previously experienced criminal activity, including significant money laundering and labor abuses from enterprises operated by PRC-linked entities, most notably the development of a casino gaming operation in Saipan. While a permanent casino was under construction, a PRC company opened a temporary casino that was linked to money laundering and labor abuses. This temporary facility, located in a former shopping mall, reported more than $2 billion monthly in VIP bets, rivaling Macau.[7] Meanwhile, the construction of the permanent facility was plagued by labor violations resulting in millions of dollars in fines. The executives of the operating company were eventually indicted on Racketeer Influenced and Corrupt Organizations (RICO) Act charges.[8] Yet, open-source reporting indicates that individuals linked to the prior operators have since purchased and resumed construction on the permanent casino.[9] Given these developments, DHS believes that facilitating visa-exempt access to the CNMI for PRC nationals contributes to an unacceptable risk of fueling organized criminal networks, financial crimes, and labor abuses in the CNMI.

Consideration of Potential Reliance Interests

Section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5), and 8 CFR 212.1(r)(3)(i) authorize suspension for good cause based on risks to national security, law enforcement, and immigration enforcement. These provisions do not require the Secretary to balance national security or law enforcement interests, including immigration, against any economic or other reliance interests that may be impacted by a suspension. Rather, the statute and regulation commit the evaluation of good cause to the broad and sole discretion of the Secretary, focusing squarely on whether the admission of PRC nationals threatens the security and law enforcement interests of the United States and its territories, including the CNMI.

Although the suspension standard does not prescribe a separate economic balancing test, the Secretary has considered the potential reliance interests of CNMI businesses and affected travelers. DHS acknowledges that certain businesses in the CNMI may have developed business plans based on tourism and commercial travel from EVS–TAP or the prior parole policy that

[4] Data obtained from internal CBP Arrival and Departure Information System, October 2025.

[5] The Department of Justice, PRC Citizen Sentenced for Conspiring to Transport Illegal Aliens to Guam, Mar. 20, 2024. *https://www.justice.gov/usao-gu/pr/prc-citizen-sentenced-conspiring-transport-illegal-aliens-guam,* last accessed: Sept. 30, 2026.

[6] The Department of Justice, Citizen from the People's Republic of China Sentenced for Conspiracy to Transport Illegal Aliens, Feb. 25, 2025. *https://www.justice.gov/usao-gu/pr/citizen-peoples-republic-china-sentenced-conspiracy-transport-illegal-aliens,* last accessed: Sept. 30, 2026.

[7] Campbell, Matthew. ''A Chinese Casino Has Conquered a Piece of America.'' Bloomberg, Feb. 15, 2018.

[8] U.S. Department of Justice, Office of Public Affairs. ''Imperial Pacific International and MCC International Saipan Executives Indicted on Federal Charges.'' Press release, Aug. 4, 2020. Updated Feb. 5, 2025.

[9] Dale, Oliver. ''Failed Saipan Casino Sells for $13 Million After Years of Controversy.'' Parameter, Aug. 27, 2025.

EVS–TAP replaced. Similarly, DHS recognizes that prospective travelers from the PRC may be inconvenienced or face financial loss from this suspension and revocation of travel authorizations. DHS believes, however, that any such impacts are mitigated by the fact that bona fide visitors for business or pleasure from the PRC remain able to obtain a nonimmigrant visa to travel to the CNMI. *See* 8 CFR 212.1(r)(9)(vi)(B). In any event, DHS has determined that the identified acute risks to the national security, immigration, and law enforcement interests of the United States outweigh any countervailing personal or economic interests.

Notice of Suspension of EVS–TAP

For the above discussed reasons, and in accordance with section 212(l)(5) of the INA, 8 U.S.C. 1182(l)(5), and 8 CFR 212.1(r)(3), the Secretary is suspending EVS–TAP, which includes both future applicants for EVS–TAP travel authorization as well as any currently active EVS–TAP travel authorizations, except that PRC nationals already admitted under EVS–TAP and legally present in the CNMI on the effective date of this notice will be permitted to remain for their authorized period of stay. This suspension is effective at 1400 EDT on October 30, 2026.

As of 1400 EDT on October 30, 2026, PRC nationals seeking to travel to the CNMI for a temporary visit for business or pleasure must obtain an appropriate nonimmigrant visa before traveling to the CNMI unless another lawful exception applies. This suspension does not reinstate the prior parole policy for PRC nationals seeking to enter the CNMI, which was discontinued on February 20, 2025. *See* 90 FR 658.

Markwayne Mullin,

Secretary of Homeland Security.

[FR Doc. 2026–21880 Filed 10–26–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6615–N–01]

Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2026

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2026 and ending on March 31, 2026.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Amanda Wahlig, Acting Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2026.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2026 through March 31, 2026. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2026) before the next report is published (the second quarter of calendar year 2026), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

David Woll,

General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development January 1, 2026 Through March 31, 2026

NOTE TO READER: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.

II. Regulatory waivers granted by the Office of Housing.

III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* Sections II, III, and IV of the **Federal Register** notices at 87 FR 6364 published on February 3, 2022 (the ''February 2022 Notice''), at 87 FR 31636 published on May 24, 2022 (the ''May 2022 Notice''), and at 88 FR 3198 published on January 18, 2023 (the ''January 2023 Notice''), and the Consolidated Notice (Appendix B in the February 2022 Notice, May 2022 Notice, and January 2023 Notice), as modified. HUD provided a waiver and alternative requirement to the State of Tennessee that applies the requirements of sections I, II, and III and appendices A, B, and C of the Universal Notice (published at 90 FR 1754 on January 8, 2025, as may be amended), in lieu of the Consolidated Notice and sections II, III, and IV in the February 2022, May 2022, and January 2023 Notices.

Project/Activity: Community Development Block Grant Disaster Recovery (CDBG–DR) funds allocated to the State of Tennessee pursuant to Public Law 117–43 for disasters in 2020 and 2021, as provided under the allocations announced in the February 2022 Notice and May 2022 Notice, and Public Law 117–180 for a disaster in 2021, as provided under the allocation announced in the January 2023 Notice. This waiver and alternative requirement is applicable to all CDBG–DR funds provided under Public Law 117–43 and Public Law 117–180 for the State of Tennessee only.

Nature of Requirement: The February 2022 Notice, May 2022 Notice, and January 2023 Notice (collectively, the ''Allocation Announcement Notices'') announced the State of Tennessee's CDBG–DR allocations for 2020 and 2021 disasters, set out requirements in Sections II, III, and IV, and incorporated the Consolidated Notice in Appendix B. The Consolidated Notice, as amended by the Allocation Announcement Notices, sets forth applicable CDBG–DR waivers and alternative requirements, relevant regulatory provisions, the grant award process, criteria for Action Plan approval, and eligible disaster recovery activities.

After receiving initial CDBG–DR funds for the 2020 and 2021 disasters, the State was impacted by disasters in 2023 and 2024 and received an additional CDBG–DR allocation under Public Law 118–158, subject to the requirements of the Universal Notice. The Universal Notice similarly establishes CDBG–DR waivers and alternative requirements, relevant regulatory provisions, the grant award process, criteria for Action Plan approval, and eligible disaster recovery activities. The State requested HUD approval to apply the requirements of the Universal Notice (published at 90 FR 1754 on January 8, 2025, as may be amended), in lieu of the corresponding provisions in the Allocation Announcement Notices, including the Consolidated Notice, as modified.

Granted By: Ronald J. Kurtz, Assistant Secretary for Community Planning and Development.

Date Granted: February 3, 2026.

Reason Waived: The State demonstrated good cause that the application of the Universal Notice to its CDBG–DR funds provided under Public Law 117–43 and Public Law 117–180 would reduce administrative burden by aligning the requirements of its allocations for disasters occurring in 2020, 2021, 2023, and 2024.

Contact: Gerilee W. Bennett, Acting Director, Office of Disaster Recovery, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–3587.

• *Regulation:* 24 CFR 576.203(b).

Project/Activity: The State of Hawaii's Department of Human Services (DHS) requested a waiver of the Emergency Solutions Grants (ESG) Program requirement at 24 CFR 576.203 (b) for its Rapid Unsheltered Survivor Housing (RUSH) grant. DHS requested that the original expenditure deadline of November 23, 2025, be extended to December 31, 2026.

Nature of Requirement: The ESG regulation at 24 CFR 576.203 (b) provides that the recipient must draw down and expend funds from each year's grant not less than once during each quarter of the recipient's program year. All of the recipient's grant must be expended for eligible activity costs within 24 months after the date HUD signs the grant agreement with the recipient. For the purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost or the accrual of a direct change for a good or service or an indirect cost.

Granted By: Ronald J. Kurtz, Assistant Secretary for Community Planning and Development.

Date Granted: March 17, 2026.

Reason Waived: On July 10, 2025, DHS submitted a request for the Department to waive the ESG Program requirement at 24 CFR 576.203 (b) for its Rapid Unsheltered Survivor Housing grant. DHS requested that the original expenditure deadline of November 23, 2025, be extended to December 31, 2026. On November 21, 2025 HUD provided a response, stating that:

1. The 24-month expenditure deadline would limit the State's ability to strategically use RUSH funding to address the needs of individuals affected by the Maui Wildfires.

2. Requiring that rental assistance expenditures end on the original period of performance end date of November 23, 2025, could result in program participants returning to homeless situations in a community still recovering from the natural disaster.

In that memorandum, the Department granted a one-month extension through December 31, 2025, requiring DHS to submit a spending plan to HUD on or before December 31, 2025, for consideration of a full-year extension. DHS submitted the spending plan to HUD on December 23, 2025, showing projected monthly expenditures by subrecipient through December 31, 2026. The spending plan provided detailed accounting of upcoming expenditures, giving a strong indication that this disaster response funding is greatly needed to continue street outreach activities and prevent currently housed program participants from returning to homeless situations in the wake of the Maui Wildfires. Based on the circumstances described above, pursuant to waiver authority provided at 24 CFR 5.110, that there is good cause to waive, the waiver of 24 CFR 576.203 (b) of the ESG Program regulations was granted, so long as the State complies with the expenditure deadline of December 31, 2026.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, Washington, DC 20410, telephone number (202) 708–4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 242.16(a)(2)(i).

Project/Activity: Care New England Health System, Providence, Rhode Island.

Nature of Requirement: 24 CFR 242.16(a)(2)(i) requires that a proposed Section 242 Borrower have an aggregate operating margin equal to or greater than 0.00% when calculated from the three most recent annual audited financial statements.

Granted By: Frank Cassidy, Principal Deputy Assistant Secretary for Housing.

Date Granted: January 30, 2026.

Reason Waived: Care New England Health System's lender applied for Section 242 mortgage insurance. 24 CFR 242.16(a)(2)(i) requires that a proposed Section 242 Borrower have an aggregate operating margin equal to or greater than 0.00 when calculated from the three most recent annual audited financial statements. While the proposed

Borrower did not meet the specific criteria in the Regulation, its overall financial performance and credit profile mitigates default risk. The waiver was needed to close the proposed FHA-insured loan.

Contact: Paul Giaudrone, Underwriting Director, Office of Hospital Facilities, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone: (202) 402–5684.

• *Regulation:* 24 CFR 242.17(c)(2).

Project/Activity: Medical University Hospital Authority, Charleston, South Carolina.

Nature of Requirement: 24 CFR 242.17(c)(2) requires that Section 242 Commitments expire no more than 180 days after issuance.

Granted By: Frank Cassidy, Principal Deputy Assistant Secretary for Housing.

Date Granted: March 16, 2026.

Reason Waived: FHA issued a commitment to insure a loan on behalf of the Medical University of South Carolina on September 30, 2025. Due to factors outside the Borrower and Lender's control (local permitting delays) the Lender was unable to close the loan 180 days post Commitment. The waiver allowed FHA to extend the deadline to close the loan.

Contact: Paul Giaudrone, Underwriting Director, Office of Hospital Facilities, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone: (202) 402–5684.

• *Regulation:* Temporary, Partial Waiver of 24 CFR 200.926d(c)(4) Project/Activity: Nationwide—New Construction—FHA SF Mortgage Insurance.

Nature of Requirement: Single Family Minimum Property Standards Drainage and flood hazard exposure, which addresses new construction requirements for residential structures under HUD's mortgage insurance programs. The regulation requires that the lowest floor in newly constructed structures located within the 1-percent-annual-chance (100-year) floodplain be built at least two feet above the Base Flood Elevation (BFE).

Granted By: Frank Cassidy, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 20, 2026.

Reason Waived: To assist in ensuring the continued availability of FHA new construction financing options to expand the housing supply and deliver emergency housing price relief, a partial waiver of the requirement was granted.

Contact: Brian Faux, Director, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone: (202) 402–5684, email *Brian.Faux@hud.gov.*

• *Regulation:* 24 CFR 891.100(d) of Section 202 and Section 811 which does not permit projects to receive additional funds prior to initial closing.

Project/Activity: Spires Senior Village II is a 66-unit senior housing development located in Oldenburg, Indiana. RDoor Housing Corporation (the Sponsor) was awarded $6,000,000 in Capital Advance funds for the project. The Sponsor requested additional Capital Advance funds due to increased development costs. These increases are attributable to:

• The project's rural location and the limited availability of subcontractors with the required experience, qualifications, and capacity, resulting in higher bid costs.

• Additionally, the project is now required to comply with the Secretary of the Interior's Guidelines for Rehabilitation, which has increased both design and construction costs to address the project's historic elements.

• To mitigate these increased costs and reduce the amount of additional Capital Advance funds requested, the Sponsor redesigned the building. This redesign presented challenges, as the project involves the adaptive reuse of historically significant structures and is subject to Historic Tax Credit requirements and State Historic Preservation Office (SHPO) standards. As a result of these efforts, the Sponsor reduced its request for Capital Advance amendment funds to $2,714,911. Granting this waiver would increase the project's total Capital Advance award to $8,714,911, allowing the project more flexibility.

Nature of Requirement: Please refer to the ''Regulation'' section.

Granted By: Frank Cassidy, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: February 24, 2026.

Reason Waived: Preserving affordable housing units. The risk of not granting the waiver could result in the loss of 34 affordable housing units for seniors in a particularly high cost area, resulting in long lasting political and reputational challenges.

Contact: Shalonda Kelly, Program Analyst, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Shalonda.M.Kelly@hud.gov.*

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 982.161(a)(1), Sections 13(b) and (d) of Form HUD–52641.

Nature of Requirement: 24 CFR 982.161(a)(1) prohibits a Public Housing Agency (PHA) or any of its contractors or subcontractors from entering into any contract or arrangement in connection with the Housing Choice Voucher program in which any present or former member or officer of the PHA (except a participant commissioner) has any interest, direct or indirect, during tenure or for one year thereafter. Section 13(b) pertains to a conflict of interest within a Housing Assistance Payment (HAP) contract. Section 13(d) states that the owner certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the HAP contract, or at any time during the HAP contract term.

Project/Activity: Ripley County Public Housing Agency (RCPHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 14, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing RCPHA's explanation of the tenant's particular circumstances, the hardship that the tenant would face in moving, and the tight rental market in Ripley County. Prior to being issued a Housing Choice Voucher, the tenant resided in a property owned by an elected official. The RCPHA submitted a legal opinion that stated that the official, by virtue of the office the official holds, is a member of the Regional Planning Commission Board as well as the RCPHA. This waiver grants prospective relief to allow the tenant to remain in the tenant's current unit and begin receipt of Housing Choice Voucher assistance in that unit, for the good cause cited.

Contact: Melissa West, Senior Housing Program Specialist, Office of Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Melissa.West@hud.gov,* telephone (303) 672–5352.

• *Regulation:* 24 CFR 982.401(b), 24 CFR 5.703(d)(2).

Nature of Requirement: 24 CFR 982.401(b) pertains to the inclusion of properly operating, adequate, and private sanitary facilities within a dwelling unit. 24 CFR 5.703(d)(2) similarly requires a unit's inclusion of a properly operating, private sanitary facility that must include a sink, bathroom or shower, and interior flushable toilet.

Project/Activity: Cheyenne Housing Authority (CHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 21, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that CHA is making the request to enable HUD-Veterans Affairs Supportive Housing (VASH) veterans to lease units in Evergreen Studios, a motel conversion property located in Sheridan, Wyoming. These units are extremely important for the HUD–VASH program given the severe shortage of affordable housing in Wyoming and the limited options for HUD–VASH veterans who rely on accessing services from Veterans Affairs. The Evergreen Studios property consists of 40 small, converted motel-style studio/efficiency units. Except for the lack of a sink located in the bathroom, these units have been reported to be in decent condition and in high demand among single veterans in the area. As of the date of the letter, CHA is using the legacy Housing Quality Standards and has not yet adopted the National Standards for the Physical Inspection of Real Estate (NSPIRE).

Contact: Molly Allen, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, 451 Seventh Street SW, Washington, DC 20410, email at *Molly.K.Allen@hud.gov.*

• *Regulation:* 24 CFR 983.52(c), 24 CFR 983.251(a)(2), 24 CFR 983.258, 24 CFR 983.211, 24 CFR 983.301, and 24 CFR 983.353(b)(1).

Nature of Requirement: 24 CFR 983.52(c) prohibits placing a selected unit under a Housing Assistance Payment (HAP) contract if the unit is occupied by a family ineligible for participation in the Project Based Voucher (PBV) program. 24 CFR 983.251(a)(2) pertains to PBV participant selection and requires Public Housing Authorities (PHAs) to select only families deemed eligible for admission at the commencement of assistance, using information received and verified by the PHA 60 days before said commencement. 24 CFR 983.258 requires that HAPs continue until tenant rent equals rent to owner. 24 CFR 983.211 provides requirements pertaining to the removal of a unit from a HAP contract based on a family's increased income. 24 CFR 983.301 provides requirements pertaining to determining the rent to owner amount. 24 CFR 983.353(b)(1) states that a family within a PHA is responsible for paying the tenant rent.

Project/Activity: Housing Authority of the City of Passaic (HACP), Vreeland Village and Chestnut Gardens.

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HACP seeks the waiver because the low Rental Assistance Demonstration (RAD) PBV contract rents prohibit a significant number of otherwise eligible families on the waiting list from being admitted to the projects because they do not require subsidy, which could consequently create an undue concentration of poverty at Vreeland Village and Chestnut Gardens. HACP demonstrated that the monthly two-bedroom RAD Gross Rent is less than 30 percent of the monthly income of a family of four at the midpoint between the Very Low Income HUD Income Limit and Extremely Low Income HUD Income Limit for the area in which Vreeland Village and Chestnut Gardens are located.

Contact: Kristin Baugh, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Kristin.M.Baugh@hud.gov,* telephone (913) 551–5573.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Lynchburg Redevelopment and Housing Authority (LRHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that LHRA is requesting this waiver to ensure that the participants of the Emergency Housing Voucher (EHV) program will maintain uninterrupted rental assistance. Many of these families include individuals who are elderly, disabled, fleeing violence or who face imminent homelessness. The waiver would support a streamlined approach; avoiding barriers a new application process would create and prevent duplicative paperwork burden on families and LRHA staff. Without this waiver, LHRA would experience a higher administrative burden, diverting staff from critical functions like rent reasonableness, inspections and recertifications. Delays in admission could result, leaving households that cannot be transitioned in time stranded, and the potential for interrupted or terminated assistance of EHV families, increasing the risk of homelessness.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Victoria Housing Authority (VHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that VHA currently has 11 Emergency Housing Voucher (EHV) families. Without this waiver, EHV families would have to wait for the waiting list to open to apply and would miss the opportunity to transition to the Housing Choice Voucher program quickly and smoothly. EHV families also have additional barriers to applying to the waiting list, such as disabilities, limited English proficiency, lack of public transportation, and/or low digital literacy leading to potential loss of assistance and increased risk of homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Municipality of Juncos.

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that the Municipality of Juncos currently has thirteen families in its Emergency Housing Voucher (EHV) program. Transitioning EHV families directly to the Housing Choice Voucher (HCV) waiting list ensures that these households who are already housed through the EHV program can continue to receive assistance when EHV funding expires, without disruption. These EHV families have already been determined eligible, are currently receiving rental assistance, and are residing in units that have passed HUD-required inspections. Therefore, their transition into the HCV program would not require the typical eligibility screening or initial Housing Quality Standards inspections process. This not only reduces the administrative burden on our staff but also expedites the process of maintaining assistance for these households. Furthermore, requiring each EHV household to reapply for HCV assistance would create unnecessary procedural barriers, which could delay or even jeopardize their continued housing stability. Many of these families have experienced homelessness or housing insecurity and are particularly vulnerable to administrative lapses in assistance.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Municipality of Arecibo Housing Department (MAHD).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that MAHD is requesting this waiver due to the risk that Emergency Housing Voucher (EHV) families will lose their housing assistance due to the imminent depletion of funds allocated to the EHV program. Furthermore, considering the number of EHV families currently served by MAHD, adequate dissemination and individual follow-up must be ensured to guarantee that all families are properly informed and can submit timely applications for inclusion on the HCV waiting list. This situation substantially increases the administrative burden and could negatively affect the continuity of assistance for eligible families. Therefore, in order to safeguard the housing stability of EHV families and ensure an orderly, equitable, and efficient transition

to the EHV program, MAHD is requesting authorization to include all EHV families on the Housing Choice Voucher waiting list through a simplified process, in accordance with the guidance and administrative flexibility established by HUD in Notice PIH 2025–19.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Housing Authority of Clackamas County (HACC).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HACC is requesting this waiver in order to secure housing assistance for Emergency Housing Voucher (EHV) families and avoid barriers and challenges these vulnerable families would face were an individual application process required. HACC serves a sizeable population of EHV participants. Were a waiver not granted, staff would experience administrative burden, divert limited staff resources away from critical program functions and cause delay in placing families on the Housing Choice Voucher (HCV) waiting list, increasing the risk that families will exhaust their EHV assistance before securing placement in the HCV program. Without the waiver, there will be inevitable delay in the timeline for selection under the waiting list, which could result in a loss of housing assistance for families at risk of homelessness.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Syracuse Housing Authority (SHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that SHA requests approval of this waiver to ensure that all Emergency Housing Voucher families are able to maintain their current housing and avoid the risk of homelessness. Without this waiver, SHA would be required to collect and process 35 individual applications from families dispersed throughout the county. This added administrative burden would significantly delay service delivery and disrupt the seamless support these families currently receive through the PHA. It would also increase the risk of terminations due to processing delays, time constraints, and limited program funding. Approval of this waiver is critical to protecting housing continuity and preventing unnecessary hardship for the families we serve.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Fairmont-Morgantown Housing Authority (FMHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that FMHA serves a very rural, four-county region covering a large geographic area with limited staff resources. Despite our commitment to supporting all Emergency Housing Voucher (EHV) families, our staffing capacity makes it unlikely that we can conduct individualized outreach and follow-up with every EHV household to ensure that each family is informed of their opportunity to be placed on the Housing Choice Voucher waiting list and submit an application in time. Additionally, our agency previously partnered with the West Virginia Coalition to End Homelessness to provide direct case management support for our EHV participants. Unfortunately, the Coalition's partnership ended due to a lack of funding to maintain the case manager position. This loss of dedicated case management has further reduced our capacity to provide individualized outreach and application assistance to EHV families.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Housing Authority of Maricopa County (HAMC).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HAMC is unlikely to be able to notify the 66 families in its Emergency Housing Voucher (EHV) program of the opportunity to submit an application for the Housing Choice Voucher (HCV) program prior to the exhaustion of EHV funds. HAMC is short-staffed and does not have available funds to support additional expenses to the EHV program to do the necessary outreach. Further, opening and closing any waitlist requires additional staff, IT support, and administrative oversight that HAMC does not currently have nor has budgeted. Our EHV participants were bridged from a State program, using the Move-On Strategy, that lost funding, making them more susceptible to homelessness without a pre-planned strategy from HAMC. This waiver request will minimize the ongoing programmatic interruption and facilitate a pre-planning for EHV families that want to transition to the HCV program.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: City of Santa Rosa Housing Authority (SRHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that SRHA is requesting the waiver to avoid the confusion and avoidable burden that a new application process would cause Emergency Housing Voucher (EHV) participants. The EHV families that SRHA serves include elderly and disabled residents and are some of the most vulnerable in the community. SRHA previously verified all participants at initial enrollment and worked closely with Continuum of Care and Coordinated Entry during the launch of the EHV program. Streamlining the transition into the Housing Choice Voucher program will help ensure that these families remain stably housed. Were the waiver not granted, SRHA would experience administrative burden with the challenges EHV participants would

experience, difficulty understanding the need for a new application and support required throughout the transition. EHV families would have to complete duplicative steps to apply and would be at risk of losing housing assistance.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a Public Housing Authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Santa Ana Housing Authority (SAHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that SAHA currently serves 70 households through its Emergency Housing Voucher (EHV) program, consisting of 101 individuals. These households represent some of the most vulnerable populations in Santa Ana. Without this waiver, each of these households would be required to submit a separate application for the Housing Choice Voucher (HCV) program. This process would create substantial administrative burden, requiring staff to coordinate outreach, provide application assistance, verify documentation, and process 70 new applications. Given current staffing levels and ongoing program demands, this would divert critical resources away from core functions such as lease-up support, inspections, and recertifications. For participants, the requirement to complete a new application introduces unnecessary barriers. Many EHV households face challenges such as disabilities, lack of internet access, or trauma histories that make navigating bureaucratic processes difficult. Requiring them to reapply could result in confusion, missed deadlines, or incomplete applications—potentially jeopardizing their future eligibility for HCV assistance.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: County of Maui.

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that the County of Maui is requesting a waiver in order to prevent Emergency Housing Voucher (EHV) families from missing the opportunity to transition to the Housing Choice Voucher (HCV) program because of the barriers they face. Many EHV families face challenges, including disability, limited English proficiency, and low digital literacy, which could lead to potential loss of assistance and increased risk of homelessness, were a separate application process required. If the waiver is not granted, efforts required by a renewed application process would leave County of Maui staff with an increased workload, diverting resources away from serving other households in need. Without the waiver, EHV families would experience delays in moving onto the HCV waitlist, which could exacerbate housing instability.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Springfield Housing Authority (SHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that SHA is requesting this waiver to ensure available Housing Choice Voucher (HCV) vouchers are issued to Emergency Housing Voucher (EHV)-assisted households, transitioning them to permanent housing assistance and reducing the risk of families becoming homeless. The waiver will position SHA to expeditiously transition EHV voucher holders to the HCV Program as vouchers become available. Without the waiver, SHA staff would experience administrative burden with the duplicative effort required to reprocess applications for participants who have remained in full compliance with the program rules and regulations. Were a new application process required, EHV voucher holders would face more barriers in successfully navigating the process and an increased risk of homelessness.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Housing Authority of Champaign County (HACC).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HACC is requesting a waiver to ensure that Emergency Housing Voucher (EHV) participants receive timely assistance and housing opportunities without disruption. This waiver would allow HACC to transfer 57 current EHV participants and prevent these families from losing their housing. The waiver would lessen the burden on both vulnerable families and HACC staff, to ensure these families continue to receive assistance. Were the waiver not granted, HACC may be unable to meet critical program deadlines, including lease-ups, inspections and eligibility determinations. These delays would strain agency operations and jeopardize housing stability for EHV participants.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Hamilton Township Housing Authority (HTHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HTHA needs this waiver to ensure ten families enrolled in the Emergency Housing Voucher (EHV) program transition smoothly into the Housing Choice Voucher (HCV) program. Without this waiver, some EHV families may miss the opportunity to transition to the HCV program, especially those with barriers like disabilities, limited English proficiency, or low digital literacy, leading to the potential loss of housing assistance. The potential loss of the EHV could lead to increased homelessness, further complicating the very situations they escaped from. Without this waiver, families would face significant hardship, particularly during a period when they are most in need of support and stability.

Contact: Michelle Daniels, Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs,

Office of Public and Indian Housing, 451 7th Street SW, Washington, DC 20410, email *Michelle.Daniels@hud.gov,* telephone (202) 402–6051.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Arlington County Department of Human Services (ACDHS).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that ACDHS is requesting a waiver to immediately place all Emergency Housing Voucher (EHV) families on the Housing Choice Voucher waiting list after establishing an EHV preference. ACDHS needs this waiver as there would be a significant delay caused by having to require individual applications from EHV families and EHV families would be at risk of losing assistance in 2026. ACDHS focused its EHVs on housing our most at-risk families—typically, chronically homeless families. Obtaining applications from these families was a significant undertaking, and requesting additional applications/documentation is likely to impose additional hardships on them. It is anticipated that the EHV preference will be approved by the Board in early 2026.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Housing Authority of Okanogan County (HAOC).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 26, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HAOC currently has nine families in its Emergency Housing Voucher (EHV) program. HAOC is close to running out of EHV funding and needs this waiver in order to transition EHV families to the regular Housing Choice Voucher (HCV) program or Mainstream program prior to the exhaustion of EHV funds. HAOC's HCV waiting list is currently closed and if HAOC is required to follow the steps in its Administrative Plan to open its waiting list for EHV families it would put EHV families at risk of losing assistance due the exhaustion of EHV funds. HAOC has already amended its Administrative Plan to include a preference for EHV families.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.312(a).

Nature of Requirement: 24 CFR 982.312(a) provides that the family may be absent from the unit for a brief period.

Project/Activity: Michigan State Housing Development Authority (MSHDA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 4, 2026.

Reason Waived: HUD grants the waiver on the basis of good cause, citing that MSHDA's request was made on behalf of a 71-year-old individual with disabilities. The individual was absent from their assisted unit for medical related reasons. They were hospitalized from May 14, 2024, to May 25, 2024, entered a rehabilitation facility upon release, then remained in the rehabilitation facility until April 30, 2025. They were absent from the unit for approximately 351 days. They returned to their unit in April of 2025; however, on March 24, 2025, MSHDA notified the individual that their rental subsidy was being terminated because they were absent from the assisted unit for more than 180 days. MSHDA is to resume Housing Assistance Payments for the individual no earlier than the first of the month following the date of the waiver lette.

Contact: Carmen Chow, Housing Program Specialist, Housing Voucher and Management Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Carmen.Chow@hud.gov,* telephone (312) 913–8523.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Municipality of Mayaguez.

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that this waiver is essential to ensure program continuity and housing stability to families who are already participating in the Emergency Housing Voucher (EHV) program. Transitioning EHV families directly to the Housing Choice Voucher (HCV) program waiting list ensures that these households who are already housed and stabilized through the EHV program can continue to receive assistance when EHV funding expires without disruption. This waiver not only reduces the administrative burden on our staff but also expedites the process of maintaining assistance for these households. Furthermore, requiring each EHV household to reapply for HCV assistance would create unnecessary procedural barriers, which could delay or even jeopardize their continuing housing stability. Many of these families have experienced homelessness or housing insecurity and are particularly vulnerable to administrative lapses in assistance. This waiver will allow us to maintain support for our most at-risk population while maximizing voucher utilization and aligning with HUD's goals of reducing homelessness and improving program efficiency.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Chattanooga Housing Authority (CHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that CHA seeks to minimize the impact that the expiration of Emergency Housing Voucher (EHV) funding will have on its EHV families. Many EHV participants may qualify for protections under the Americans with Disabilities Act or Section 504. Some families face challenges such as limited literacy, disabilities, or trauma that hinder their ability to complete formal applications in a timely manner. Automatically transferring EHV families to Housing Choice Voucher may be considered a reasonable accommodation for the individuals to whom it applies. In addition, a waiver would allow EHV families uninterrupted, equitable access to long-term assistance.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Philadelphia Housing Authority (PHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that PHA is requesting this waiver to ensure an orderly and equitable transition of Emergency Housing Voucher (EHV) families into the Housing Choice Voucher (HCV) program as EHV funding winds down. Many EHV households required intensive support during their initial admission to the EHV program. Requiring an individual application from each of the 750 EHV households that PHA currently serves would create a substantial administrative burden for both PHA and the families. Were a waiver not granted, the substantial support required with a complex HCV application process would divert significant staff resources, elevate anxiety among EHV families, and increase risk of delays or gaps in assistance. The administrative and communication challenges could result in unintended loss of housing stability for vulnerable EHV families.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

- *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Northeast Oregon Housing Authority (NEOHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that NEOHA currently has 17 families in its Emergency Housing Voucher (EHV) program. Without this waiver, some EHV families may miss the opportunity to transition to the Housing Choice Voucher program, especially those with barriers like disabilities, limited English proficiency, or low digital literacy, leading to potential loss of assistance and increased risk of homelessness. NEOHA is located in rural Oregon where travel to its main office can be difficult, especially in the winter months, posing a barrier to providing EHV families with the assistance that they would need to submit individual applications. Delays caused by requiring individual applications may prevent vulnerable families from being successfully transitioned before EHV funding ends.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

- *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Albany Housing Authority (AHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that if this waiver is not approved, AHA anticipates adverse impacts on both Emergency Housing Voucher (EHV) program administration and assisted households. Requiring individual applications would impose a significant administrative burden, diverting limited staff capacity from core EHV functions, such as housing stabilization, landlord engagement, inspections, and compliance activities. This would reduce operational efficiency and delay assistance at a time when EHV funding is finite and time limited. EHV households may also face access barriers, including limited access to technology, disabilities, language needs, and housing instability, increasing the likelihood that eligible families are unable to timely complete application requirements. These procedural delays would heighten the risk that EHV funds could be exhausted before households are successfully transitioned or stabilized. Absent the waiver, eligible EHV families may lose assistance due to administrative constraints rather than eligibility or need, undermining HUD's intent to promote housing stability and prevent homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

- *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: INLIVIAN.

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that INLIVIAN seeks this waiver to ensure the long-term housing stability of its most vulnerable residents as Emergency Housing Voucher (EHV) funding sunset provisions approach. This waiver would allow INLIVIAN to maintain data integrity by utilizing existing verified eligibility records to populate the Housing Choice Voucher waiting list and ensure the prioritization of EHV participants is executed swiftly and accurately. Without this waiver, INLIVIAN faces a significant risk of service gaps that could lead to the loss of housing assistance once EHV funding expires. EHV households often face persistent barriers to navigating administrative systems, including lack of reliable communication channels and the lasting impacts of trauma. Requiring a separate individual application process presents these households with a significant risk of housing displacement and a return to homelessness.

Contact: Jennifer LeGros, Management Analyst, Office of Housing Voucher Program Support Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Jennifer.L.Legros@hud.gov,* telephone (212) 542–7833.

- *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Grand Rapids Housing Commission (GRHC).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that without this waiver, GRHC would be unable to seamlessly absorb eligible Emergency Housing Voucher (EHV) households into the Housing Choice Voucher (HCV) portfolio due to the closed status of our HCV waiting list. This would create an administrative barrier that is not reflective of program needs or participant eligibility and would undermine HUD's goal of housing stability for vulnerable households served under EHV. If this waiver is not approved, EHV households who are eligible for continued assistance may face termination of subsidy solely due to procedural limitations, increasing the risk of housing stability or homelessness. The approval of this waiver would allow us to responsibly manage program resources, maintain housing stability for assisted households, and ensure compliance with HUD's broader policy objectives while minimizing disruption to both participants and program operations.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

- *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Lafayette Housing Authority (LHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that LHA currently has 24 families in its Emergency Housing Voucher (EHV) program. As EHV funds are projected to run out by the end of calendar year 2026, time is critical. Delays caused by requiring individual applications may prevent vulnerable families from being successfully transitioned before funding ends. Without this waiver, some EHV families may miss the opportunity to transition to the Housing Choice Voucher program, especially those with barriers like disabilities, limited English proficiency, or low digital literacy leading to potential loss of assistance and increased risk of homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Burbank Housing Authority (BHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that BHA currently administers approximately 51 Emergency Housing Voucher (EHV) households. Based on current expenditure rates and leasing activity, BHA projects that EHV funding will be exhausted by approximately October 2026. Once EHV funding is exhausted, households that have not successfully transitioned to Housing Choice Voucher (HCV) assistance will face an immediate loss of rental assistance. Requiring EHV families to individually apply to the HCV waiting list would create delays that would place these households at significant risk of losing assistance. Many EHV families face substantial barriers that make individual application submission impracticable such as limited internet access, disabilities that impair the completion of applications without assistance, and unreliable transportation. Due to these barriers, BHA would be unable to timely conduct individualized outreach and follow up with each EHV household to ensure completion of the application. Allowing BHA to place all EHV households directly onto the HCV waiting list with the appropriate preference will ensure an orderly and equitable transition, reduce administrative delays, and prevent otherwise avoidable terminations of assistance for extremely vulnerable households.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Huntsville Housing Authority (HHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that HHA currently serves 81 Emergency Housing Voucher (EHV) families. Since receiving assistance, many of these families have demonstrated increased self-sufficiency and have successfully stabilized their households after securing permanent housing. If EHV families are required to submit individual applications, it may increase the risk of these families losing their housing assistance due to the depletion of EHV funds. Due to the volume of EHV families and limited staffing resources, it will be a challenge for staff to conduct the necessary outreach to ensure that each family is informed about their opportunity to be placed on the waiting list in a timely manner before the EHV funds are exhausted. If this waiver is not granted, these families risk returning to prior circumstances, and without continued support, these 81 EHV families could face homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Housing Authority of Cochise County (HACC).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that without this waiver, some Emergency Housing Voucher (EHV) families may miss the opportunity to transition to the Housing Choice Voucher (HCV) program, especially those with barriers like disabilities, limited English proficiency, or low digital literacy leading to potential loss of assistance and increased risk of homelessness. Manually collecting and processing HCV applications from every EHV household would place an unsustainable burden on staff, particularly at a time when the agency is winding down EHV, preparing for funding reductions, or operating under staffing shortages. As EHV funds are projected to run out by the end of calendar year 2026, time is critical. Delays caused by requiring individual applications may prevent vulnerable families from being successfully transitioned before funding ends. This waiver would support HUD's goal of maintaining housing stability for vulnerable populations without unnecessary administrative barriers.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Berkeley Housing Authority (BHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that after careful analysis of its Two-Year Tool, BHA has determined that it would be able to absorb Emergency Housing Voucher (EHV)-assisted households into its Housing Choice Voucher (HCV) and/or Mainstream programs at this time. Without this waiver, some EHV families may miss the opportunity to transition to the HCV and/or Mainstream program, especially those with barriers like disabilities, limited English proficiency, or low digital literacy leading to potential loss of assistance and increased risk of homelessness. Some EHV families may not follow through with completing an individual application and ultimately have their EHV assistance terminated. BHA needs this waiver because manually collecting and processing individual applications from every EHV household would also place an unsustainable burden on staff, particularly at a time when the agency is operating with lower administrative fee funding prorations and its impacts.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW,

Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Vacaville Housing Authority (VHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that VHA anticipates that Emergency Housing Voucher (EHV) funding will be fully expended by August 2026. Without the ability to place all EHV families on the Housing Choice Voucher (HCV) waiting list in advance, EHV households may experience a loss or interruption of housing assistance due to timing constraints, administrative processing delays, or insufficient turnover in the HCV program at the time EHV funding ends. Requiring EHV families to apply individually to the HCV waiting list would create unnecessary administrative burden, increase the risk of processing delays, and result in inconsistent outcomes for similarly situated households. Allowing VHA to place all EHV families on the HCV waiting list ensures a uniform, transparent, and equitable transition process and supports HUD's stated goal of preventing gaps in assistance for vulnerable households.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Colorado Division of Housing (DOH).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that without this waiver, DOH staff would be required to manually process hundreds of redundant applications, perform duplicate data entry into the software system, and manage a massive influx of ''new'' files for families already in the system. This diverts resources from processing new applicants from the general waiting list. Emergency Housing Voucher (EHV) families—many of whom are elderly, disabled, or survivors of domestic violence—may struggle to navigate the application process. A missed deadline or incomplete form could result in the loss of their housing subsidy entirely as EHV funds expire. DOH would also need to open the Housing Choice Voucher (HCV) waiting list to these families. If the list is otherwise closed, this creates a confusing ''limited opening'' that may be legally challenged or cause public confusion among other waiting list applicants. Any administrative delay in transitioning the Housing Assistance Payments contract from EHV to HCV could lead to late payments. This may cause landlords to opt-out of the program, further reducing the available affordable housing stock.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Delaware State Housing Authority (DSHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that as Emergency Housing Voucher (EHV) funds are projected to run out by the end of calendar year 2026, time is critical. Delays caused by requiring individual applications may prevent vulnerable families from being successfully transitioned before funding ends. A single, uniform administrative action (placing all EHV families on the Housing Choice Voucher (HCV) waiting list with preference) ensures fair housing access to HCV, across all EHV participants, especially those with limited mobility, mental health conditions, or disabilities. Further, manually collecting and processing HCV applications from every EHV household would place an unsustainable burden on staff, particularly at a time when the agency is winding down EHV, preparing for funding reductions, or operating under staffing shortages. Without this waiver, some EHV families may miss the opportunity to transition to the HCV program, especially those with barriers like disabilities, limited English proficiency, or low digital literacy leading to potential loss of assistance and increased risk of homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Holyoke Housing Authority (HHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that as of January 13, 2026, 17 families are leased in HHA's Emergency Housing Voucher (EHV) program. The limited remaining funding for the EHV program provides only a small window with which to transition EHV families to the Housing Choice Voucher program. When initially admitted to the EHV program, the majority of EHV families required significant support from the Continuum of Care to complete and submit their applications. HHA anticipates that, without such support, some families may not be able to complete their application before funding is fully expended, resulting in a loss or gap in housing assistance. Further, HHA anticipates that these challenges will be felt most acutely among the most vulnerable EHV families. As such, this waiver would allow HHA to prevent any loss or gap in housing assistance among EHV families.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Bernalillo County Housing Department (BCHD).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that BCHD seeks approval to place all Emergency Housing Voucher (EHV) families at the top of the Housing Choice Voucher (HCV) waiting list due to anticipated EHV funding shortages and current open availability on the HCV waiting list. At this time, the HCV waiting list has open availability, allowing for the prioritization of EHV families without negative impacting existing applicants or significantly increasing wait times. Granting this waiver would allow BCHD to act proactively rather than reactively, ensuring continuity of housing assistance and reducing the risk of homelessness among EHV participants once EHV funds are exhausted. BCHD's Administrative Plan

allows for a preference for insufficient program funding. If this waiver is not approved, BCHD anticipates significant operational and participant-level impacts. Without the ability to prioritize EHV families on the HCV waiting list, EHV families may experience interruptions or terminations of rental assistance as EHV funding is exhausted. This would place already vulnerable households at immediate risk of housing instability or homelessness, undermining the original intent of the EHV program.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Municipality of Yabucoa.

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that at this time, the Municipality of Yabucoa is facing a potential risk of funding shortfall, which has significantly impacted the pace at which Emergency Housing Voucher (EHV) households can be transferred to the regular Housing Choice Voucher (HCV) program. Due to funding limitations, staffing constraints, and the increased administrative requirements associated with managing both programs simultaneously, the transition process has been slower than anticipated. Granting this waiver will allow the Municipality of Yabucoa to continue providing stable housing assistance to EHV participants while ensuring an orderly and compliant transition to the EHV program. This additional time is critical to prevent interruptions in housing assistance for vulnerable families and to maintain program integrity while addressing current financial and operational challenges. If this waiver is not approved, the Municipality of Yabucoa may experience significant operational and financial strain. Without the additional flexibility provided by this waiver, the Municipality of Yabucoa could be forced to accelerate the transition process beyond its current administrative capacity, increasing the risk of errors, noncompliance, and potential termination of assistance for participating families. Furthermore, EHV participants may face housing instability, including the risk of losing assistance due to delays in processing transfers to the HCV program. This could result in increased displacement, hardship, and uncertainty for families who are already experiencing housing vulnerability.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Brazoria County Housing Authority (BCHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 24, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that despite specific outreach to Emergency Housing Voucher (EHV) families to apply to the Housing Choice Voucher (HCV) waiting list during the opening of the waiting list last fall, there are several EHV families that did not or were unable to submit applications to the HCV waiting list. These families now are at risk of losing assistance due to the exhaustion of EHV funds. This waiver is needed to mitigate the risk of these families losing their housing assistance and lapsing back into homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 983.52(c), 24 CFR 983.251(a)(2), 24 CFR 983.258, 24 CFR 983.211, 24 CFR 983.301, and 24 CFR 983.353(b)(1).

Nature of Requirement: 24 CFR 983.52(c) prohibits placing a selected unit under a Housing Assistance Payment (HAP) contract if the unit is occupied by a family ineligible for participation in the Project Based Voucher (PBV) program. 24 CFR 983.251(a)(2) pertains to PBV participant selection and requires Public Housing Authorities (PHAs) to select only families deemed eligible for admission at the commencement of assistance, using information received and verified by the PHA 60 days before said commencement. 24 CFR 983.258 requires that HAPs continue until tenant rent equals rent to owner. 24 CFR 983.211 provides requirements pertaining to the removal of a unit from a HAP contract based on a family's increased income. 24 CFR 983.301 provides requirements pertaining to determining the rent to owner amount. 24 CFR 983.353(b)(1) states that a family within a PHA is responsible for paying the tenant rent.

Project/Activity: Edgewater Housing Authority (EHA), Oratam Court, Widnall Towers, Ostrowski Court, Barsalona Court, Harry Berkie Gardens (the Covered Projects).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 12, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that EHA has demonstrated the monthly two-bedroom Rental Assistance Demonstration (RAD) Gross Rent is less than 30% of the monthly income of a family of four at the midpoint between the Very Low Income (VLI) HUD Income Limit and Extremely Low Income (ELI) HUD Income Limit for the area in which the Covered Projects are located through the following calculation: The applicable VLI limit is $68,550 and the ELI limit is $41,150 for a four-person household in the Bergen-Passaic, NJ HUD Metro Fair Market Rent Area in which the Covered Projects are located. The midpoint income is $54,850 ($68,550 + $41,150 = $109,700; $109,700/2 = $54,850). To calculate the affordable monthly rent, the midpoint income is divided by 12 and multiplied by 0.30 ($54,850/12 = $4,571; $4,571 * 0.30 = $1,371). The current RAD Rent for a two-bedroom unit at the Project is $1,099, which is less than the calculated affordable monthly rent of $1,371. Accordingly, the Covered Projects are eligible for the waiver.

Contact: Kristin Baugh, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Kristin.M.Baugh@hud.gov,* telephone (913) 551–5573.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Renton Housing Authority (RHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 12, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that RHA currently has an Emergency Housing Voucher (EHV) portfolio of 60 households and projects that will exhaust its EHV funding by the end of July 2026. Additionally, RHA is currently in shortfall and unable to issue tenant-based vouchers. Therefore, RHA is requesting this waiver in order to transition EHV families to Project-Based Voucher (PBV) units. RHA is short-staffed, and it is unlikely that RHA would be able to do the necessary outreach and follow-up to ensure that all EHV families are informed of their opportunity to be placed on the RHA PBV waiting lists and are able to submit an application and be matched with appropriate units prior to the exhaustion of EHV funds, putting these families at risk of homelessness. RHA has eight PBV properties, and four of the waiting lists are closed. Therefore, RHA is requesting this waiver to re-open the four waiting lists below to add EHV families without providing public notice of the opening of the waiting lists. This waiver is needed to avoid going through

the process of publicly opening the PBV waiting lists and accepting applications from the public (who are not eligible for the EHV preference), which would delay the ability of EHV families to transition to PBV units and put them at risk of homelessness.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: New York City Housing Authority (NYCHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 17, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that NYCHA requests a waiver of 24 CFR 982.204 to enable it to place Emergency Housing Voucher (EHV) families onto one or more Project-Based Voucher (PBV) waiting lists using existing participant information on file in lieu of individual applications. NYCHA is currently in HCV shortfall and unable to issue tenant-based vouchers. Therefore, this waiver is needed so that NYCHA can transition EHV households to vacant PBV units in its portfolio. NYCHA has more than 5,200 EHV households and this waiver would help reduce the administrative burden for households associated with completing an application and help streamline the transition of EHV households to the PBV waiting lists. NYCHA requests a waiver of the requirement to provide public notice of the opening of the waiting lists at 24 CFR 982.206. This waiver would help expedite the transition of EHV families to PBV. As funding for the EHV program is anticipated to be exhausted by the end of 2026, NYCHA must utilize the limited time and resources available to identify ways to continue to assist EHV households and to engage them and various stakeholders as part of this process. A waiver of the public notice requirement would help ensure that there is adequate time for this process.

Contact: Celia Carpentier, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Celia.Y.Carpentier@hud.gov,* telephone (202) 402–7093.

• *Regulation:* 24 CFR 983.3.

Nature of Requirement: 24 CFR 983.3 provides that a project can be a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. ''Contiguous'' in this definition includes ''adjacent to,'' as well as touching along a boundary or a point. A Public Housing Agency may, in its Administrative Plan, establish the circumstances under which it will define a project as only one of the following: a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

Project/Activity: New York City Housing Authority (NYCHA) Moore Houses and East 152nd Street-Courtland Avenue (the Redevelopment).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 25, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that NYCHA is particularly impacted by the application of the regulatory definition of ''project'' as applied to the Redevelopment and through this waiver request seeks to provide continuity by maintaining the current management and administration structure of these projects under the public housing program to the greatest extent feasible. The consolidations have the potential to directly benefit residents (*e.g.,* help facilitate and expedite transfers between buildings under the same Rental Assistance Demonstration-Project-Based Voucher Housing Assistance Payment [RAD–PBV HAP] contract, noting the urgency of such transfer requests). The administrative efficiencies resulting from consolidating the RAD–PBV HAP contracts in the manner NYCHA proposed for the Redevelopment will significantly reduce the administrative burden on NYCHA staff, allowing more staff time to address the needs and concerns of residents.

Contact: Melissa West, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Melissa.West@hud.gov.*

• *Regulation:* 24 CFR 983.3.

Nature of Requirement: 24 CFR 983.3 provides that a project can be a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. ''Contiguous'' in this definition includes ''adjacent to,'' as well as touching along a boundary or a point. A Public Housing Agency may, in its Administrative Plan, establish the circumstances under which it will define a project as only one of the following: a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

Project/Activity: New York City Housing Authority (NYCHA) J.L. Elliott Houses Building 1, the Chelsea Addition, and the Chelsea building 2 (the Redevelopment).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 25, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that NYCHA is particularly impacted by the application of the regulatory definition of ''project'' as applied to the Redevelopment and through this waiver request seeks to provide continuity by maintaining the current management and administration structure of these projects under the public housing program to the greatest extent feasible. The consolidations have the potential to directly benefit residents (*e.g.,* help facilitate and expedite transfers between buildings under the same Rental Assistance Demonstration-Project-Based Voucher Housing Assistance Payment [RAD–PBV HAP] contract, noting the urgency of such transfer requests). The administrative efficiencies resulting from consolidating the RAD–PBV HAP contracts in the manner NYCHA proposed for the Redevelopment will significantly reduce the administrative burden on NYCHA staff, allowing more staff time to address the needs and concerns of residents.

Contact: Melissa West, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Melissa.West@hud.gov.*

• *Regulation:* 24 CFR 982.204, 24 CFR 982.206.

Nature of Requirement: 24 CFR 982.204 pertains to a public housing authority's (PHA's) administration of a waiting list. 24 CFR 982.206 requires a PHA to provide public notice of the opening of a waiting list.

Project/Activity: Housing Authority of the City and County of San Francisco (SFHA).

Granted By: Benjamin Hobbs, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 30, 2026.

Reason Waived: HUD grants the waivers on the basis of good cause, citing that SFHA anticipates that Emergency Housing Voucher (EHV) funding will be exhausted by September 2026. Additionally, SFHA projects a Housing Choice Voucher (HCV) shortfall for calendar year (CY) 2026, which prohibits the SFHA from issuing HCVs for EHV transitions. Project-Based Voucher (PBV) placements are the only available option for preventing subsidy termination and preserving housing stability for over 920 assisted EHV families. Many EHV families face barriers such as limited technology access, disabilities, language barriers, or unstable contact information, which would make individual PBV applications impractical and potentially discriminatory in effect. The San Francisco housing market is composed of high rents (90% higher than the national average and have increased by 13% since July 2024) and extremely limited affordable units.

Contact: Melissa West, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, email *Melissa.West@hud.gov.*

[FR Doc. 2026–21886 Filed 10–26–26; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1464]

Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on October 20, 2026, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Joelle Justus, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2593. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. The recommended relief includes a limited exclusion order directed to vaporizer devices, cartridges used therewith, and components thereof imported, sold for importation, and/or sold after importation by respondents Glas, Inc. and Glas, LLC that infringe claims 1, 5, 7, 15–16, and 18–21 of U.S. Patent No. 11,134,722 and claims 1, 5, and 8 of U.S. Patent No. 11,606,981. The recommended relief also includes a cease and desist order directed to the Glas respondents. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on October 20, 2026. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) Explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on November 19, 2026.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1464'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b), 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 23, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–21885 Filed 10–26–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–645 and 731–TA–1495 and 1497–1501 (Review)]

Mattresses From Cambodia, China, Malaysia, Serbia, Thailand, Turkey, and Vietnam; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty order on mattresses from China and antidumping duty orders on mattresses from Cambodia, Malaysia, Serbia, Thailand, Turkey, and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on April 1, 2026 (91 FR 16229) and determined on July 6, 2026 that it would conduct expedited reviews (91 FR 51745, August 11, 2026).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on October 22, 2026. The views of the Commission are contained in USITC Publication 5803 (October 2026), entitled *Mattresses from Cambodia, China, Malaysia, Serbia, Thailand, Turkey, and Vietnam: Investigation Nos. 701–TA–645 and 731–TA–1495 and 1497–1501 (Review).*

By order of the Commission.

Issued: October 22, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–21824 Filed 10–26–26; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Samuel T. Negatu not participating.

DEPARTMENT OF JUSTICE

[OMB Number 1122–0003]

Agency Information Collection Activities; Extension of Previously Approved eCollection eComments Requested; Title—Annual Progress Report for the STOP Formula Grants Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on August 20, 2026, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 27, 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: Tiffany Watson, Office on Violence Against Women, at 202–307–6026 or *Tiffany.Watson@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 1122–0003. This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view Department of Justice, information collections currently under review by OMB. If you submit a public comment, please send a copy to Tiffany Watson at *tiffany.watson@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.

Abstract: The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act of 1994 (VAWA), amended and reauthorized in 2000, 2005, 2013 and 2022. The STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program provides funding to states and territories for use by state, local, and Indian Tribal governments, courts, and victim service providers. This program enhances the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat domestic violence, dating violence, sexual assault and stalking and to develop and strengthen comprehensive, holistic victim services. The grant funds must be distributed by STOP state administrators to subgrantees according to a statutory formula.

This information collection is necessary for the Attorney General and STOP Violence Against Women Formula Grant Program grantees and subgrantees to comply with federal statutory reporting requirements. The information will be used for reports to Congress on the use of appropriated funds in support of the STOP Violence Against Women Formula Grant Program. There are two sets of respondents—the STOP state administrators who allocate the STOP

funds and the subgrantees who may include law enforcement agencies, prosecutors' offices, courts, and victim services organizations.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *Title of the Form/Collection:* Annual Progress Report for the STOP Formula Grants Program.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0003. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public- State, local and Tribal governments. The affected public includes the 56 STOP state administrators (from 50 states, the District of Columbia and five territories and commonwealths (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands)) and their subgrantees.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that it will take the 56 respondents (STOP administrators) approximately one hour to complete an annual progress report. It is estimated that it will take approximately one hour for roughly 1,960 subgrantees [1] to complete the relevant portion of the annual progress report. The Annual Progress Report for the STOP Violence Against Women Formula Grant Program is divided into sections that pertain to the different types of activities that subgrantees may engage in and the different types of subgrantees that receive funds, *i.e.*, law enforcement agencies, prosecutor offices, courts, victim services agencies, etc.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual hour burden to complete the annual progress report is 2,016 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be $3,278.80.[2]

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hour)	Total annual burden (hours)
Reporting Form	2,016	annually	2,016	1	2,016
Unduplicated Totals	2,016		2,016		2,016

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated October 23, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–21879 Filed 10–26–26; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0034]

Agency Information Collection Activities; Extension of Previously Approved eCollection eComments Requested; STOP Match Calculation Worksheet

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on August 20, 2026, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 27, 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: Tiffany Watson, Office on Violence Against Women, at 202–307–6026 or *Tiffany.Watson@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

[1] Each year the number of STOP subgrantees changes. The number 1,960 is based on the number of reports received by state administrators from STOP subgrantees in 2024.

[2] This calculation does not include performance reports from subgrantees because those performance reports are sent to state administrators for review.

Control Number 1122–0034. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB. If you submit a public comment, please send a copy to Tiffany Watson at *tiffany.watson@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.

Abstract: The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act of 1994 (VAWA), amended and reauthorized in 2000, 2005, 2013 and 2022. The STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program provides funding to states and territories for use by state, local, and Indian Tribal governments, courts, and victim service providers. This program enhances the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat domestic violence, dating violence, sexual assault and stalking and to develop and strengthen comprehensive, holistic victim services. The grant funds must be distributed by STOP state administrators to subgrantees according to a statutory formula.

Each state and territory must allocate 25 percent for law enforcement, 25 percent for prosecutors, 30 percent for victim services (of which at least 10 percent must be distributed to culturally specific community-based organizations), 5 percent to state and local courts, and 15 percent for discretionary distribution. VAWA provides for a 25 percent match requirement imposed on grant funds under the STOP Violence Against Women Formula Grant Program. Thus, a grant made under this program may not cover more than 75 percent of the total costs of the project being funded. The state is exempted from matching the portion of the state award that goes to a victim service provider for victim services or that goes to a tribe. Territories are also exempted in full. States can apply to have the match requirement waived by submitting a petition to OVW and a demonstrating financial need. At the time of closeout, OVW will look at the entities and purposes of funds and determine the required match amount.

The purpose of this information collection is to provide a worksheet for documenting the amount of matching funds required at the closeout of a specific fiscal year award under the STOP Violence Against Women Formula Grant Program. The type of questions on the worksheet will include award number, award amount and amount of funds sub-awarded to victim service providers for victim services or to tribes.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *Title of the Form/Collection:* STOP Match Calculation Worksheet.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0034. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public- State, local and Tribal governments. The affected public includes the 51 STOP state administrators.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that it will take 51 respondents approximately ten minutes to complete the STOP Match Calculation Worksheet.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 8.5 hours, that is 51 STOP State Administrators completing an assessment tool once annually with an estimated completion time of ten minutes.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the STOP Match Calculation Worksheets submitted by grantees are estimated to be $497.68.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
Worksheet	51	annually	51	10 minutes	8.5
Unduplicated Totals	51		51		8.5

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: October 23, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–21882 Filed 10–26–26; 8:45 am]

BILLING CODE 4410–FX–P

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Sunshine Act Meetings

TIME AND DATE: 11:00 a.m. to 12:00 p.m. (MST–AZ), Tuesday, November 10, 2026.

PLACE: Virtual Board of Trustees Meeting via Microsoft Teams.

STATUS: This virtual meeting of the Board of Trustees will be open to the public. Members of the public who would like to observe this meeting may request remote access by contacting Sara Moeller at *moeller@udall.gov* prior to November 10, 2026, to obtain the teleconference connection information.

MATTERS TO BE CONSIDERED: (1) Call to Order and Chair's Remarks; (2) Trustees' Remarks; (3) Executive Director's Remarks; (4) Consent Agenda Approval (Minutes of the June 2, 2026, Board of Trustees Meeting; Board Reports submitted for Education Programs, Finance and Internal Controls, John S. McCain III National Center for Environmental Conflict Resolution, and

Udall Center for Studies in Public Policy, including the Native Nations Institute for Leadership, Management, and Policy and Special Collections at the University of Arizona Libraries; and Board takes notice of any new and updated personnel policies and internal control methodologies); (5) The University of Arizona Fiscal Year 2027 Program Work Plan and Funding; (6) Strategic Hiring Committee Discussion; and (7) Officer and Executive Committee Elections.

CONTACT PERSON FOR MORE INFORMATION: Sara Moeller, Chief Operating Officer, 434 E University Blvd., Suite 300, Tucson, AZ 85705, (520) 345–3562.

Dated: October 22, 2026.

David P. Brown,

Executive Director, Morris K. Udall and Stewart L. Udall Foundation.

[FR Doc. 2026–21844 Filed 10–23–26; 11:15 am]

BILLING CODE 6820–FN–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request: Survey of Earned Doctorates

AGENCY: National Science Foundation; National Center for Science and Engineering Statistics.

ACTION: Notice.

SUMMARY: The National Center for Science and Engineering Statistics within the National Science Foundation (NSF) is announcing plans to request renewal of the Survey of Earned Doctorates (OMB Control Number 3145–0019) . In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comments, NCSES will prepare the submission requesting OMB clearance of this collection for three years.

DATES: Written comments on this notice must be received by December 28, 2026 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, U.S. National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey of Earned Doctorates.

OMB Control Number: 3145–0019.

Expiration Date of Current Approval: June 30, 2028.

Type of Request: Intent to seek approval to renew information collection for three years.

Abstract: Established within the NSF by the America COMPETES Reauthorization Act of 2010 section 505, codified in the NSF Act of 1950, as amended, the National Center for Science and Engineering Statistics (NCSES) serves as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development for use by practitioners, researchers, policymakers, and the public.

The Survey of Earned Doctorates (SED) is part of NCSES' portfolio and collects data on individuals to provide information on science and engineering education and careers in the United States. The SED has been conducted annually since 1958 and is jointly sponsored by four Federal agencies (NSF/NCSES, National Institutes of Health, U.S. Department of Education/National Center for Education Statistics, and National Endowment for the Humanities) to avoid duplication of effort in collecting such data. It is an accurate, timely source of information on our Nation's highly educated individuals. This request to renew the information collection for three years is to cover the 2028 and 2029 SED survey cycles.

Data are obtained via Web survey from each person earning a research doctorate from an accredited U.S. institution at the time they receive the degree. Data are collected on their field of specialty, educational background, sources of support in graduate school, debt level, postgraduation plans, and demographic characteristics. NCSES publishes statistics from the survey in several reports. The survey will be collected in conformance with the Privacy Act of 1974. Responses from individuals are voluntary. NCSES will ensure that all individually identifiable information collected will be kept strictly confidential and will be used only for research or statistical purposes.

Use of the Information: The Federal Government, policy makers, universities, researchers, and others use the information extensively. Results from the SED are used to assess characteristics of the doctorate population and trends in doctoral education and degrees. Data from the survey are published annually on the NCSES website in a publication series reporting on all fields of study, titled *Doctorate Recipients from U.S. Universities* (*https://ncses.nsf.gov/pubs/nsf26315*). Information from the SED is also included in other series available online such as *Science and Engineering Indicators (https://ncses.nsf.gov/indicators).* In addition, access to tabular data from selected variables is available through the NCSES online data tool (*https://ncsesdata.nsf.gov/builder/sed*) and the SED Restricted Data Analysis System (*https://ncsesdata.nsf.gov/rdas/#/*).

Expected Respondents: The SED is a census of all individuals receiving a research doctorate from an accredited U.S. academic institution in the academic year beginning July 1 and ending June 30 of the subsequent year. As such, the population for the 2028 SED consists of all individuals receiving a research doctorate in the 12-month period beginning July 1, 2027 and ending June 30, 2028. Likewise, the population for the 2029 SED consists of all individuals receiving a research doctorate in the 12-month period beginning July 1, 2028 and ending June 30, 2029. A research doctorate is a doctoral degree that (1) requires completion of an original intellectual contribution in the form of a dissertation or an equivalent culminating project (*e.g.,* musical composition) and (2) is not primarily intended as a degree for the practice of a profession. The most common research doctorate degree is the Ph.D. Recipients of professional doctoral degrees, such as MD, DDS, JD, DPharm, and PsyD, are not included in the SED. The 2028 and 2029 SED are expected to include about 615 separately reporting schools with eligible research doctoral programs from about 480 doctorate-granting institutions. Based on the historical trend, NCSES expects a stable turnout of research doctorates for the next few years with a nominal increase from the 2026 cycle estimating that approximately 62,000 individuals will receive a research doctorate from U.S. institutions in each of the 2028 cycle and the 2029 cycle.

In addition to the questionnaire for individuals receiving their research doctorates, the SED needs to collect administrative data such as graduation lists from participating academic institutions. An Institutional Coordinator at each institution helps distribute the Web survey link, track

survey completions, and submit information to the SED survey contractor.

Estimate of Burden: An average overall response rate of 91.5% of the persons who earned a research doctorate from a U.S. institution was obtained in the academic years 2023, 2024, and 2025. Using the past response rate, the number of SED respondents in each cycle is estimated to be 56,730 (62,000 doctorate recipients × 0.915 response rate) in each of the 2028 and 2029 cycles.

Based on the average Web survey completion time for the 2026 SED (19.3 minutes), NCSES estimates that, on average, 20 minutes per respondent will be required to complete the 2028 or 2029 SED Web survey. The annual respondent burden for completing the SED is therefore estimated at 18,910 hours in 2028 and in 2029 (based on 56,730 respondents × 20 minutes).

Based on focus groups conducted with Institutional Coordinators, it is estimated that the SED takes no more than 1% of the Institutional Coordinator's time over the course of a year, which computes to 20 hours per year per Institutional Coordinator (40 hours per week × 50 weeks per year × .01). With 615 schools expected to participate in the SED in both 2028 and 2029, the estimated annual burden to Institutional Coordinators of administering the SED is 12,300 hours per survey cycle.

Therefore, the total burden for the SED is estimated to be 31,210 (18,910 + 12,300) hours each for the 2028 and 2029 survey cycles. NCSES estimates that the average annual burden for the 2028 and 2029 survey cycles over the course of the three-year OMB clearance period will be no more than 20,807 hours [(31,210 hours + 31,210 hours)/3 years].

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NCSES, including whether the information shall have practical utility; (b) the accuracy of the NCSES's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; 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.

Dated: October 23, 2026.

Suzanne H. Plimpton,

Reports Clearance Officer, U.S. National Science Foundation.

[FR Doc. 2026–21898 Filed 10–26–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–4984]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by November 27, 2026. A request for a hearing or petitions for leave to intervene must be filed by December 28, 2026. This biweekly notice includes all amendments issued, or proposed to be issued, from September 29, 2026, to October 9, 2026. The last biweekly notice was published on October 13, 2026.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4984. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Guidance and Publications Branch.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Susan Lent, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1365; email: *Susan.Lent@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–4984, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4984.
- *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.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–4984, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

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

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of *the Code of Federal Regulations* (10 CFR) ''Notice for public comment; State consultation,'' are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the license amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the license amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and the NRC's public website (*https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*).

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate, which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or

their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed in order to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (*https://ehd.nrc.gov*), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

License Amendment Requests

Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Calvert County, MD

Docket Nos	50–317, 50–318.
Application date	September 29, 2026.
ADAMS Accession No	ML26272A139.
Location in Application of NSHC	Pages 7–8 of Attachment 1.
Brief Description of Amendments	The proposed amendments would update the applicability of the Reactor Protective System Rate of Change of Power-High (RCPH) trip function. This trip function is specified in technical specification (TS) Table 3.3.1–1, ''Reactor Protective System Instrumentation,'' as Function 2, ''Rate of Change of Power-High.'' These proposed license amendments request a change to limit the Mode of applicability of the RCPH trip to be consistent with the current licensing basis documented in the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Updated Final Safety Analysis Report Chapter 14, ''Safety Analysis.'' The proposed changes also include a minor update to a note of TS Table 3.3.1–1.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Managing Counsel, Constellation Energy Generation, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

Constellation Energy Generation, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL

Docket Nos	50–373, 50–374.
Application date	October 1, 2026.
ADAMS Accession No	ML26274A500.
Location in Application of NSHC	Pages 7–8 of Attachment 1.

LICENSE AMENDMENT REQUESTS—Continued

Brief Description of Amendments	The proposed amendments would perform editorial revisions to Technical Specifications 3.1.7, 3.3.1, 3.7.2, and 3.8.1, Operating Licenses for LaSalle County Station, Units 1 and 2.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Managing Counsel, Constellation Energy Generation, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Robert Kuntz, 301–415–3733.

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC

Docket No	50–395.
Application date	September 2, 2026.
ADAMS Accession No	ML26246A059.
Location in Application of NSHC	Pages 10–12 of Attachment 1.
Brief Description of Amendment	The proposed amendment would modify the required actions of Technical Specification 3.7.1.2, ''Emergency Feedwater System,'' to allow 7 days of inoperability under certain circumstances as described in the application.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Energy Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC

Docket No	50–395.
Application date	September 2, 2026.
ADAMS Accession No	ML26245A390.
Location in Application of NSHC	Pages 3–5 of Attachment 1.
Brief Description of Amendment	The proposed amendment would modify Technical Specification 3/4.8.1, ''A.C. [alternating current] Sources Operating,'' by deleting Surveillance Requirement 4.8.1.1.2.h as described in the application. The proposed change is consistent with Technical Specification Task Force (TSTF) Traveler TSTF–599, ''Eliminate Periodic Surveillance Test of Simultaneous Start of Redundant Diesel Generators.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Energy Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Docket Nos	50–315, 50–316.
Application date	August 24, 2026.
ADAMS Accession No	ML26237A268.
Location in Application of NSHC	Pages 2–3 of Enclosure 2.
Brief Description of Amendments	The proposed amendments would revise the Donald C. Cook Nuclear Plant, Units 1 and 2, Technical Specifications for the Ventilation Filter Testing Program to permit the use of alternate challenge agents when performing in place testing of engineered safety feature ventilation system high efficiency particulate air filters and charcoal adsorbers. The proposed changes are being requested in accordance with Technical Specification Task Force (TSTF) Traveler TSTF–602, Revision 0, ''Revise the Ventilation Filter Testing Program to Permit Alternate Challenge Agents.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Robert G. Garpenter, Assistant General Counsel, American Electric Power, 1 Riverside Plaza, 29, Columbus, OH 43215.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 1; Oswego County, NY

Docket No	50–410.
Application date	August 19, 2026.
ADAMS Accession No	ML26231A323.
Location in Application of NSHC	Pages 2–4 of Attachment 1.
Brief Description of Amendment	The proposed amendment would modify a note in the Technical Specifications Surveillance Requirements for Intermediate Range Monitoring instrumentation in conflict with the Surveillance Frequency Control Program. The proposed change would be made consistent with NUREG–1433, Revision 5, ''Standard Technical Specifications, General Electric BWR/4 Plants.''
Proposed Determination	NSHC.

LICENSE AMENDMENT REQUESTS—Continued

Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC, 101 Constitution Ave. NW, Suite 400 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.

Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY

Docket No	50–410.
Application date	August 18, 2026.
ADAMS Accession No	ML26230A116.
Location in Application of NSHC	Pages 6–7 of Attachment 1.
Brief Description of Amendment	The proposed amendment would update the Technical Specification Surveillance Requirement 3.6.1.3.12 for Main Steam Isolation Valve leakage testing to align the allowed maximum Main Steam Line leakage to the assumptions in the Analysis of Record for evaluation of Loss of Coolant Accident radiological dose using Alternative Source Term methodology.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC, 101 Constitution Ave. NW, Suite 400 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN

Docket Nos	50–282, 50–306.
Application date	June 4, 2026.
ADAMS Accession No	ML26155A281.
Location in Application of NSHC	Pages 5–7 of the Enclosure.
Brief Description of Amendments	The proposed amendments would adopt Technical Specifications (TS) Task Force (TSTF) Traveler TSTF–596, ''Expand the Applicability of the Surveillance Frequency Control Program (SFCP).'' TSTF–596 expands the applicability of the SFCP to include other periodic testing frequencies in TS. The proposed change would also revise the SFCP to reference additional regulatory mechanisms that may be used to control Surveillance Frequencies, such as 10 CFR 50.55a and 10 CFR 50.69. The proposed changes revise Surveillance Requirements that reference the Inservice Testing Program to instead reference the SFCP.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Andrew Van Duzer, Assistant General Counsel, Xcel Energy, 701 Pennsylvania Ave. NW, Suite 250, Washington, D.C. 20004.
NRC Project Manager, Telephone Number	Ramon Gascot Lozada, 301–415–2004.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Salem County, NJ

Docket Nos	50–272, 50–311.
Application date	July 30, 2026.
ADAMS Accession No	ML26211A326.
Location in Application of NSHC	Pages 5–6 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would revise the technical specifications to adopt Technical Specification Task Force (TSTF)-600, ''Revise the Reactor Coolant System (RCS) Pressure Isolation Valve (PIV) Leakage Testing Frequency'' (ML25083A153), with variations.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Francis Romano, PSEG—Services Corporation, 80 Park Plaza, T–10, Newark, NJ 07102.
NRC Project Manager, Telephone Number	Audrey Klett, 301–415–0489.

Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN

Docket Nos	50–327, 50–328.
Application date	September 2, 2026.
ADAMS Accession No	ML26245A425.
Location in Application of NSHC	Pages E5–E7 of the Enclosure.

LICENSE AMENDMENT REQUESTS—Continued

Brief Description of Amendments	The proposed amendments would revise the Sequoyah Nuclear Plant, Units 1 and 2, Technical Specification (TS) 3.6.7, ''Shield Building,'' to add a new action that is applicable prior to criticality following a refueling outage. The proposed changes are based on Technical Specifications Task Force (TSTF) Traveler TSTF–601, Revision 1, ''Extend Shield Building Completion Time After Refueling.'' Additionally, the proposed amendments would relocate TS Surveillance Requirement 3.6.10.6, ''Emergency Gas Treatment System (EGTS) Air Cleanup Subsystem,'' to TS 3.6.7. The proposed amendments would also revise the Completion Time of current TS 3.6.7 Condition A from 1 hour to 24 hours.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Edward C. Meade, (Interim) Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Kimberly Green, 301–415–1627.

Vistra Operations Company LLC; Davis-Besse Nuclear Power Station, Unit No. 1; Ottawa County, OH

Docket No	50–346.
Application date	August 3, 2026.
ADAMS Accession No	ML26215A326.
Location in Application of NSHC	Pages 31–32 of the Enclosure.
Brief Description of Amendment	The proposed amendment would modify the Davis-Besse Nuclear Power Station, Unit No. 1, licensing basis, by the addition of a license condition, to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Roland Backhaus, Senior Lead Counsel-Nuclear, Vistra Corp., 325 7th Street NW, Suite 520, Washington, DC 20004.
NRC Project Manager, Telephone Number	Robert Kuntz, 301–415–3733.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCES

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No	50–298.
Amendment Date	September 30, 2026.
ADAMS Accession No	ML26260A290.
Amendment No	284.

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendment	The license amendment for Cooper Nuclear Station adopted Technical Specification (TS) Task Force (TSTF) Traveler TSTF–585, ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.'' TSTF–585 revised LCO 3.0.3 to require assessing and managing plant risk whenever LCO 3.0.3 was entered. If the risk assessment determined that continuing plant operation was acceptable and other conditions were satisfied, 24 hours from entry into LCO 3.0.3 were permitted to initiate a shutdown; otherwise, initiation of the shutdown was required immediately. The amendment also revised or added TS Required Actions to direct a shutdown or other actions instead of entry into LCO 3.0.3.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN

Docket Nos	50–282, 50–306.
Amendment Date	September 28, 2026.
ADAMS Accession No	ML26217A085.
Amendment Nos	252 (Unit 1), 240 (Unit 2).
Brief Description of Amendments	The amendments adopted Technical Specification Task Force (TSTF) Traveler TSTF–585 ''Revise LCO [Limiting Condition for Operation] 3.0.3 to Require Managing Risk.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Salem County, NJ

Docket Nos	50–272, 50–311.
Amendment Date	September 29, 2026.
ADAMS Accession No	ML26257A516.
Amendment Nos	357 (Unit 1) and 339 (Unit 2).
Brief Description of Amendments	The amendments revised the renewed facility operating licenses and the technical specifications to allow irradiation of cobalt-59 and the production and transfer of cobalt-60.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos	52–025, 52–026.
Amendment Date	October 6, 2026.
ADAMS Accession No	ML26260C109.
Amendment Nos	220 (Unit 3), 217 (Unit 4).
Brief Description of Amendments	The amendments modify the Combined License and technical specification requirements to permit the use of a Surveillance Frequency Control Program for Vogtle, Units 3 and 4, based on the methodology described in Technical Specifications Task Force (TSTF) Traveler TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF Initiative 5b,'' TSTF–563, Revision 0, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program,'' and TSTF–596, Revision 2, ''Expand the Applicability of the Surveillance Frequency Control Program (SFCP).''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL; Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN; Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket Nos	50–259, 50–260, 50–296, 50–327, 50–328, 50–390, 50–391
Amendment Date	September 25, 2026.
ADAMS Accession No	ML26258A272.
Amendment Nos	346 (Browns Ferry, Unit 1), 369 (Browns Ferry, Unit 2), 329 (Browns Ferry, Unit 3); 380 (Sequoyah, Unit 1), 375 (Sequoyah, Unit 2); 186 (Watts Bar, Unit 1), 91 (Watts Bar, Unit 2).

LICENSE AMENDMENT ISSUANCES—Continued

Brief Description of Amendments	The amendments revised Browns Ferry Nuclear Plant, Units 1, 2, and 3; Sequoyah Nuclear Plant, Units 1 and 2; and Watts Bar Nuclear Plant, Units 1 and 2 technical specifications (TSs) to adopt changes in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–596, Revision 2, ''Expand the Applicability of the Surveillance Frequency Control Program (SFCP).'' Additionally, the amendments revised the Watts Bar Nuclear Plant, Units 1 and 2, TSs, only, to adopt changes in accordance with TSTF–374, Revision 0, ''Revision to TS 5.5.13 and associated TS Bases for Diesel Fuel Oil''; TSTF–118, Revision 0, ''Administrative Controls Program Exceptions''; and TSTF–600, Revision 2, ''Revise the Reactor Coolant System (RCS) Pressure Isolation Valve (PIV) Leakage Testing Frequency.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Union Electric Company; Callaway Plant, Unit No. 1; Callaway County, MO	
Docket No	50–483
Amendment Date	September 1, 2026.
ADAMS Accession No	ML26223A277.
Amendment No	244.
Brief Description of Amendment	The amendment revised Technical Specification (TS) Section 1.1, ''Use and Application Definitions,'' and added a new TS 5.5.20, ''Online Monitoring Program,'' to TS Section 5.5, ''Administrative Controls Programs and Manuals.'' The amendment authorized to use an on-line monitoring (OLM) methodology as the technical basis to switch from a time-based surveillance frequency for channel calibrations to a condition-based calibration frequency based on OLM results.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: October 21, 2026.

For the Nuclear Regulatory Commission.

Hipólito González,

Chief, Operating Reactor Licensing Branch 4, Division of Licensing Projects I, Office of Nuclear Reactor Regulation.

[FR Doc. 2026–21832 Filed 10–26–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Call for Nominations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for Nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting nominations for the position of Nuclear Pharmacist on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should be a currently practicing nuclear pharmacist.

DATES: Nominations are due on or before December 28, 2026.

FOR FURTHER INFORMATION CONTACT: Sarah Hoenig, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards; 301–415–3284; *Sarah.Hoenig@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Nomination Process: Submit an electronic copy of resume or curriculum vitae, along with a cover letter, to Ms. Sarah Hoenig, *Sarah.Hoenig@nrc.gov.* The cover letter should describe the nominee's current duties and responsibilities and express the nominee's interest in the position. Please ensure that the resume or curriculum vitae includes the following information, if applicable: education; certification(s); professional association and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

ACMUI members possess the medical and technical skills needed to address evolving issues. The current membership is comprised of the following professionals: (a) nuclear medicine physician; (b) nuclear cardiologist; (c) two radiation oncologists; (d) diagnostic radiologist; (e) therapy medical physicist; (f) nuclear medicine physicist; (g) nuclear pharmacist; (h) radiation safety officer; (i) patients' rights advocate; (j) Food and Drug Administration representative; (k) Agreement State representative; and (l) interventional radiologist (vacant). For additional information about membership on the ACMUI, visit the ACMUI Membership web page, *http://www.nrc.gov/about-nrc/regulatory/advisory/acmui/membership.html.*

The ACMUI Nuclear Pharmacist provides advice on issues associated with the regulation of nuclear pharmacy applications of byproduct material. This advice includes providing input on NRC proposed rules and guidance, providing recommendations on the training and experience requirements for Authorized Nuclear Pharmacists, identifying medical events associated with these uses, evaluating non-routine uses of byproduct material, bringing key issues in the nuclear pharmacy community to the attention of NRC staff, as they relate to radiopharmaceuticals, radiation safety and NRC medical-use policy. This individual is appointed based on his or her educational background, certification(s), work experience, involvement and/or leadership in professional society activities, and other information obtained in letters or during the selection process.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to ACMUI business. Members are expected to attend semi-annual full-day virtual meetings and to participate in other shorter teleconferences or virtual meetings, as needed. *ACMUI members who present during the annual ACMUI Commission Briefing Meeting, may need to travel to attend these meetings in-person at NRC HQs in Rockville, MD.* Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

Members who are not Federal employees at the time of their appointment are compensated for their service. In addition, members are

reimbursed for travel (including per diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed for travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete. Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland this 23 of October 2026.

For the U.S. Nuclear Regulatory Commission.

Tomas E. Herrera,

Deputy Secretary of the Commission.

[FR Doc. 2026–21881 Filed 10–26–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of October 26 and November 2, 9, 16, 23, 30, 2026. 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*.

PLACE: 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 *Reasonable_Accommodations.Resource@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices 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*.

MATTERS TO BE CONSIDERED:

Week of October 26, 2026

There are no meetings scheduled for the week of October 26, 2026.

Week of November 2, 2026—Tentative

There are no meetings scheduled for the week of November 2, 2026.

Week of November 9, 2026—Tentative

There are no meetings scheduled for the week of November 9, 2026.

Week of November 16, 2026—Tentative

There are no meetings scheduled for the week of November 16, 2026.

Week of November 23, 2026—Tentative

There are no meetings scheduled for the week of November 23, 2026.

Week of November 30, 2026—Tentative

There are no meetings scheduled for the week of November 30, 2026.

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 NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: October 23, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–21878 Filed 10–23–26; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Call for Nominations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting nominations for the position of an Interventional Radiologist on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should currently be practicing as an Interventional Radiologist.

DATES: Nominations are due on or before December 28, 2026.

Nomination Process: Submit an electronic copy of resume or curriculum vitae, along with a cover letter, to Ms. Sarah Hoenig, *Sarah.Hoenig@nrc.gov.* The cover letter should describe the nominee's current duties and responsibilities and express the nominee's interest in the position. Please ensure that the resume or curriculum vitae includes the following information, if applicable: education; certification(s); professional association and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

FOR FURTHER INFORMATION CONTACT: Sarah Hoenig, U.S Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards; 301–415–3284; *Sarah.Hoenig@nrc.gov.*

SUPPLEMENTARY INFORMATION: ACMUI members possess the medical and technical skills needed to address evolving issues. The current membership is comprised of the following professionals: (a) nuclear medicine physician; (b) nuclear cardiologist; (c) two radiation oncologists; (d) diagnostic radiologist; (e) therapy medical physicist; (f) nuclear medicine physicist; (g) nuclear pharmacist; (h) radiation safety officer; (i) patients' rights advocate; (j) Food and Drug Administration representative; (k) Agreement State representative; and (l) interventional radiologist (vacant). For additional information about membership on the ACMUI, visit the ACMUI Membership web page, *http://www.nrc.gov/about-nrc/regulatory/advisory/acmui/membership.html.*

The ACMUI Interventional Radiologist provides advice on issues associated with the regulation of interventional radiology applications of byproduct material. This advice includes providing input on NRC proposed rules and guidance, providing recommendations on the training and experience requirements for Authorized Interventional Radiologists, identifying medical events associated with these uses, evaluating non-routine uses of byproduct material, bringing key issues in the interventional radiology community to the attention of NRC staff, radiation safety and NRC medical-use policy. This individual is appointed based on his or her educational background, certification(s), work experience, involvement and/or leadership in professional society activities, and other information obtained in letters or during the selection process.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to ACMUI business. Members are expected to attend semi-annual full-day virtual meetings and to participate in other shorter teleconferences or virtual meetings, as needed. ACMUI members who present during the annual ACMUI Commission Briefing Meeting, may need to travel to attend these meetings in-person at NRC HQs in Rockville, MD. Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

Members who are not Federal employees at the time of their appointment are compensated for their service. In addition, members are reimbursed for travel (including per diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed for travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete.

Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland, this 23 of October, 2026.

For the U.S. Nuclear Regulatory Commission.

Tomas E. Herrera,

Deputy Secretary of the Commission.

[FR Doc. 2026–21883 Filed 10–26–26; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106723; File No. 600–47]

Cboe Clear U.S., LLC; Order Granting an Application, as Amended, for Temporary Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

October 22, 2026.

I. Introduction

On June 30, 2026, Cboe Clear U.S., LLC (''CCUS'') filed with the Securities and Exchange Commission (''Commission'') an application on Form CA–1 under Section 17A of the Securities Exchange Act of 1934 (''Exchange Act'') [1] seeking to register as a clearing agency to provide central counterparty (''CCP'') services for binary options that are securities.[2] In its application, CCUS requests temporary registration as a clearing agency under Section 17A(b) of the Exchange Act and pursuant to 17 CFR 240.17ab2–1 (''Rule 17Ab2–1'').[3] Notice of the application (''Notice'') was published for comment in the **Federal Register** on July 24, 2026.[4] CCUS amended its application on July 7 and 17, August 18, September 4, and October 1,[5] 2026 (as amended, ''Application'').[6]

The Commission received one comment letter, as well as a response from CCUS.[7] The comment letter supports approval of CCUS's request for temporary registration as a ''stopgap;'' as to permanent registration, it raises concerns as to the risk of vertically integrated solutions and requests that the Commission consider the capital costs and risks of a more fragmented clearing structure.[8] The comment letter received, and CCUS's response thereto,[9] are discussed in Parts III and IV.

This order grants CCUS's request for temporary registration as a clearing agency with an exemption from certain requirements as to which the Commission is directed to make a determination under Sections 17A(b)(3)(B) and (F) for a period of 18 months from the date of this order, for the reasons set forth in Parts III and IV below.

II. Statutory Standard for Registration as a Clearing Agency

Clearing agencies are broadly defined under the Exchange Act and undertake a variety of functions,[10] including providing the services of a CCP.[11] Pursuant to Section 17A of the Exchange Act and Rule 17Ab2–1 thereunder, an entity that meets the definition of a clearing agency must register with the Commission.[12] Section 17A(b)(1) also states that, upon the Commission's motion or upon a clearing agency's application, the Commission may conditionally or unconditionally exempt a clearing agency from any provisions of Section 17A or the rules or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.[13]

In addition to the requirements set forth in Rule 17Ab2–1, Section 19(a)(1) of the Exchange Act establishes the standard for Commission review of an application for registration as a clearing agency. Pursuant thereto, the Commission shall grant registration of a clearing agency if it finds that the requirements of the Exchange Act and the rules and regulations thereunder with respect to the applicant are satisfied.[14] The Commission shall deny such registration if it does not make such finding.[15]

The requirements of the Exchange Act applicable to clearing agencies are set forth in Section 17A and the rules and regulations thereunder.[16] Accordingly,

[1] 15 U.S.C. 78q–1.

[2] *See* Application, Exhibit J at 2; Exhibit S at 3–5. CCUS defines a ''binary option'' to mean a ''Securities Contract that provides for a fixed cash settlement payment upon the occurrence or non-occurrence of a specified trigger event, with no payment if the trigger does not occur, and a fixed maximum payment equal to the exercise settlement amount if it does.'' *See* Application, Exhibit E–2 (''CCUS Rules''), Rule 101(h) (''General,'' ''Definitions,'' ''Binary Option''), at 2–3. CCUS defines a ''Security Contract,'' *inter alia,* to mean a contract that: (i) constitutes a ''security'' under Section 3(a)(10) of the Exchange Act; (ii) is listed and traded on a national securities exchange registered with the Commission under Section 6 of the Exchange Act; and (iii) is cleared by CCUS. *See* CCUS Rules, at Rule 101(ttt) (''General,'' ''Definitions,'' ''Security Contract''), at 8.

[3] *See* 17 CFR 240.17ab2–1(c).

[4] Release No. 34–105960 (July 21, 2026), 90 FR 46817 (July 24, 2026) (''Notice'').

[5] On August 18 and September 4, 2026, CCUS amended its application to update certain exhibits for which confidential treatment has been requested. On October 1, 2026, CCUS amended its application as follows: adding as Exhibit E–6 its Certificate of Good Standing; adding as Exhibit J–2 a copy of CCUS's public disclosures under the CPMI–IOSCO *Principles for Financial Market Infrastructures*; and amending Exhibits A, E–2, E–3, J, L, O, and S, as further described in this order. In a separate release, the Commission has issued by delegated authority a notice of the October 1, 2026 amendments to the Application. Release No. 34–106610 (Oct. 6, 2026), 91 FR 64709 (Oct. 9, 2026). The Commission will consider any comments received regarding the October 1, 2026 amendment prior to taking any action on the Application with respect to permanent registration. *See* 17 CFR 240.17ab2–1(c) (providing that, not later than nine months from the date of any temporary registration is made effective, the Commission will grant registration or institute proceedings in accordance with Section 19 of the Exchange Act).

[6] Non-confidential aspects of the Application and the exhibits thereto cited in this order, are available on the Commission's website at: *https://www.sec.gov/rules-regulations/commission-orders-notices/other-commission-orders-notices-information/ccus-form-ca-1.* References to the Application throughout this order refer to the Application as most recently amended on October 1, 2026.

[7] The public comment file for the Application is available on the Commission's website at: *https://www.sec.gov/rules-regulations/public-comments/600-47.*

[8] Letter from Joanna Mallers, Secretary, PTG, dated Sept. 8, 2026 (''PTG'').

[9] Letter from Dale Michaels, President, Cboe Clear U.S., LLC, dated Sept. 25, 2026 (''CCUS Response'').

[10] 15 U.S.C. 78c(a)(23)(A) (providing the definition of ''clearing agency''); *see also* Release No. 34–78961 (Sept. 28, 2016), 81 FR 70786, 70897 (Oct. 13, 2016) (''CCA Standards Adopting Release'') (stating that clearing agencies are broadly defined in the Exchange Act and undertake a variety of functions).

[11] *See* 17 CFR 240.17ad–22(a)(2) (defining ''central counterparty'' as a clearing agency that interposes itself between counterparties to securities transactions, acting functionally as the buyer to every seller and the seller to every buyer).

[12] 15 U.S.C. 78q–1(b); 17 CFR 240.17ab2–1 (''Rule 17Ab2–1'').

[13] 15 U.S.C. 78q–1(b)(1).

[14] 15 U.S.C. 78q–1; 15 U.S.C. 78s(a)(1).

[15] 15 U.S.C. 78s(a)(1).

[16] Rules for registered clearing agencies include recordkeeping requirements, 17 CFR 240.17a–1; the filing process for proposed rule changes, 17 CFR 240.19b–4; rules addressing operations and risk management, governance and conflicts of interest, and plans for recovery and wind-down at, respectively, 17 CFR 240.17ad–22 (''Rule 17Ad–22''), 240.17ad–25 (''Rule 17Ad–25''), and 240.17ad–26 (''Rule 17Ad–26''); and the requirements set forth in Regulation Systems Compliance and Integrity, 17 CFR 242.1000 *et seq.*

to grant CCUS's Application for registration as a clearing agency, the Commission must find that the Application satisfies the requirements of Section 17A(b) of the Exchange Act and rules and regulations thereunder, including the determinations set forth in paragraphs (A) through (I) of Section 17A(b)(3) of the Exchange Act.[17] Pursuant to Rule 17Ab2–1(c), the Commission, upon the request of a clearing agency, may grant registration of the clearing agency but exempt the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to Section 17A(b)(3) of the Exchange Act, provided that any such registration shall be effective only for eighteen months from the date the registration is made effective (or such longer period as the Commission may provide by order).[18]

After a clearing agency's application for registration is granted, the clearing agency must continue to satisfy the requirements of the Exchange Act and the rules and regulations thereunder. In the context of temporary registration, the clearing agency must satisfy the requirements of the Exchange Act and the rules and regulations thereunder, except as to requirements, rules, or regulations to which an exemption has been provided. The Commission has explained that ''[a]n approval of clearing agency registration does not mean that no further modifications of the applicant's rules, systems, procedures, or practices are needed.'' [19] Rather, the Commission stated that a registered clearing agency's obligation to continue to satisfy the requirements of the Exchange Act and the rules and regulations thereunder means that ''[t]he self-regulatory obligations of [a] fully registered clearing agenc[y] cannot end'' after registration.[20] To ensure such compliance, the Commission stated that it ''will continue to use its oversight, inspection, and enforcement authority as necessary and appropriate to further the purposes of the [Exchange] Act.'' [21]

III. Review of Application Under Statutory Standard for Registration

Consistent with the requirements in Sections 17A and 19(a)(1) of the Exchange Act described above, the Commission below analyzes the Application against each of the statutory requirements under Section 17A(b)(3)(A) through (I) to be registered as a clearing agency.[22]

A. Organization and Capacity

1. Statutory Standard: Section 17A(b)(3)(A)

Section 17A(b)(3)(A) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of the Exchange Act and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of the Exchange Act) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of Section 17A of the Exchange Act.[23]

Consistent with this standard, the Commission does not assess in this order whether CCUS's ultimate implementation of the rules, policies, and procedures set forth in its Application will comply with each of the Commission's rules for clearing agencies, as CCUS is not yet operating as a (securities) clearing agency.[24] Rather, under Section 17A(b)(3)(A) of the Exchange Act, the Commission assesses whether CCUS is *so organized* and *has the capacity to* comply with the provisions of the Exchange Act and the rules and regulations thereunder,[25] by analyzing CCUS's organization and governance, as well as its operational arrangements.[26] Under this standard, the registration of a clearing agency ''depends on a prediction about compliance with the law.'' [27] Section 17A assumes that ''an applicant would produce a business plan that, if faithfully executed, would comply'' with the Exchange Act.[28] To make its required statutory determination under Section 17A(b)(3)(A), the Commission must ''find[] that the applicant is *able* and *likely* to comply,'' and upon registration and commencement of operations as a registered clearing agency, compliance with Section 17A(b)(3)(A) ''is likely to be carried out.'' [29]

2. Summary of Proposed Operations

The following is an overview of CCUS's proposed clearing operations.

(''Regulation SCI''). The Commission conducts ongoing monitoring of registered clearing agencies through its supervisory program for registered clearing agencies. The Commission also assesses compliance with Commission rules by conducting examinations and investigations. *See* 15 U.S.C. 78q(b); 15 U.S.C. 78u(a).

[17] 15 U.S.C. 78s(a); 15 U.S.C. 78q–1(b)(3)(A)–(I). The determinations are described further below.

[18] *See* 17 CFR 240.17ab2–1(c)(1); *see also, e.g.,* Release No. 34–105562 (May 27, 2026), 91 FR 32151 (May 29, 2026) (granting temporary registration to Paxos Securities Settlement Company, LLC in 2026 for a period not to exceed 18 months) (''Paxos Order''); Release No. 34–25740 (May 24, 1988), 53 FR 19839 (May 31, 1988) (granting temporary registration to the Government Securities Clearing Corporation in 1988 for a period of 36 months) (''GSCC Order'').

[19] *See* Release No. 34–69838 (June 24, 2013), 78 FR 39027, 39029 (June 28, 2013) (approving an application by the Fixed Income Clearing Corporation for permanent registration as a clearing agency).

[20] *See* Release No. 34–20221 (Sept. 23, 1983), 48 FR 45167, 45171 (Oct. 3, 1983) (approving nine applications for permanent registration as a clearing agency).

[21] *Id.*

[22] *See* 15 U.S.C. 78q–1(b)(3)(A)–(I) (describing the statutory determinations that the Commission must make regarding the rules and structure of a clearing agency to grant registration). In 1980, the Commission published a statement of the views and positions of Commission staff regarding the requirements of Section 17A. *See* Release No. 34–16900 (June 17, 1980), 45 FR 41920 (June 23, 1980).

[23] 15 U.S.C. 78q–1(b)(3)(A).

[24] *See supra* notes 25–26 and accompanying text (explaining that approval of clearing agency registration does not mean that no further modifications of the applicant's rules, systems, procedures, or practices are needed and that the obligations of a fully registered clearing agency cannot end after registration). CCUS is a derivatives clearing organization (''DCO'') registered with the Commodity Futures Trading Commission (''CFTC'') that has elected to be a ''Subpart C'' DCO pursuant to 17 CFR part 39, subpart C. Subpart C establishes requirements for financial resources, system safeguards, default rules and procedures, risk management, recovery and wind-down, and certain other topics consistent with international standards and with Rule 17Ad–22(e). *See* CCA Standards Adopting Release, 81 FR at 70866.

[25] *See* 15 U.S.C. 78q–1(b)(3)(A). With respect to CCUS's ability to safeguard securities and funds for which it is responsible, the Commission addresses that topic in Part III.E, in conjunction with discussing Section 17A(b)(3)(F) of the Exchange Act, which requires, among other things, that the rules of the clearing agency are designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. With respect to CCUS's ability to enforce compliance by its participants with the rules of the clearing agency, the Commission addresses that topic in Part III.F in conjunction with discussing Section 17A(b)(3)(G) of the Exchange Act, which requires that the rules of the clearing agency provide that its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency.

[26] In Part III.E, the Commission further analyzes CCUS's capacity to conduct risk management consistent with the statutory requirements for safeguarding securities and funds set forth in Section 17A(b)(3)(F) of the Exchange Act.

[27] *Bd. of Trade of City of Chicago* v. *S.E.C.,* 883 F.2d 525, 533 (7th Cir. 1989) (vacating Delta Government Options Corporation (''Delta'')'s temporary registration as a clearing agency and remanding to the Commission to decide whether Delta's proprietary trading system would operate as an unregistered national securities exchange in violation of Sections 5 and 6 of the Exchange Act).

[28] *Id.* at 533–34.

[29] *Id.* at 534 (emphasis in original).

(a) Proposed Services

The Application states that CCUS seeks to provide CCP services to market participants for ''cash settled, binary security options, including among others, security options overlying key performance indicators ('KPIs') reported by certain issuers of stock ['Binary KPI Options']. ''[30] CCUS states that these Binary KPI Options ''will be fully margined,'' ensuring that once trades are initially settled with CCUS, ''all potential price movements will be covered by posted margin.''[31] CCUS also states that these Binary KPI Options will trade on Cboe Exchange, Inc. (''Cboe Exchange''), a national securities exchange registered with the Commission which is also a direct, wholly-owned subsidiary of Cboe Global Markets, Inc. (''CGM'').[32] In its Application, CCUS requests registration for Cboe Exchange to offer Binary KPI Options in a ''regulated securities environment.''[33]

The Rules require, among other things, that clearing members who seek to clear Securities Contracts (including Binary KPI Options) must be registered as a broker-dealer with the Commission under the Exchange Act.[34] The Application states that CCUS ''acknowledges that the Rules do not at this time reference all of the categories of participants enumerated in Section 17A(b)(3)(B) of the Exchange Act,''[35] as discussed further in Part III.B.1. CCUS states it will offer customer, firm, and market-maker clearing accounts,[36] classifying every account under the CCUS Rules according to whether it holds the funds or assets for the benefit of: (i) retail and/or institutional investors of a clearing member;[37] (ii) a proprietary account of a broker-dealer client of a clearing member (''PAB Account'');[38] (iii) a clearing member;[39] or (iv) a market-maker (either as the clearing member's client, or the clearing member itself).[40] CCUS describes its different treatment of account types by citing Exchange Act requirements.[41] For example, CCUS requires that all funds and assets held by CCUS for a broker-dealer clearing member's retail or institutional clients (''Securities Customers'') must be maintained in a Securities Customer Account to satisfy the requirements of Rule 15c3–3.[42] Additionally, CCUS Rules state that settlement obligations for contracts that a clearing member designates for its Customer Account or PAB Account shall not be offset against contracts the clearing member designates for its own Member Property Account or Market-Maker Account.[43]

(b) Risk Management

In Exhibit J, the Application provides information regarding CCUS's risk management framework. CCUS states its risk management framework is intended to: (i) reduce the potential impact of a Clearing Member Default via credit risk management standards and ongoing monitoring; and (ii) ensure that CCUS has sufficient financial and liquidity resources to manage the default of its two clearing member groups that would cause the largest aggregate credit exposure and at least the single clearing member group that would cause the largest aggregate liquidity exposure, in each case, in extreme but plausible market conditions.[44]

CCUS states its risk management framework addresses counterparty risk through its financial responsibility requirements for clearing members, as well as CCUS's ability to impose protective measures against clearing members who fail to comply with applicable requirements.[45] Regarding counterparty risk and liquidity risk management, CCUS cites its: (i) internal credit scoring process for clearing members; (ii) credit limits; (iii) daily risk monitoring; (iv) margin collection; and (v) option premium settlement.[46]

CCUS states that it employs back-testing and stress-testing but that these tools' risk management function for binary options that are securities differs from other products it clears in its current capacity as a DCO because binary options are fully margined (*i.e.,* fully collateralized) and margin provided pursuant to this requirement covers all price movements.[47] Citing the fully margined nature of binary options, CCUS states its total cash obligation would be limited to aggregate initial margin.[48] Nonetheless, CCUS also describes additional tools that it generally has available under its rules to manage liquidity risk, including its rights to partial tear-ups and full tear-ups.[49]

---

[30] *See* Application, Exhibit J, at 1.

[31] *See* Application, Exhibit J, at 2.

[32] *See* Application, Exhibit J, at 1.

[33] *See* Application, Exhibit J, at 2.

[34] *See* Application, Exhibit J, at 3; CCUS Rules, at Rule 301(e)(3)(ii) (''Clearing Members,'' ''General Eligibility Requirements of Clearing Members''), at 21. CCUS states that the CCUS Rules would require clearing members who are broker-dealers to ''maintain the appropriate authorizations to hold customer funds in accordance with Rule 15c3–3.'' *See* Application, Exhibit J, at 3.

[35] *See* Application, Exhibit S, at 3 (*i.e.,* ''other registered clearing agencies, registered investment companies, banks, insurance companies[,] and other classes of persons designated as appropriate by the Commission''); *see also* 15 U.S.C. 78q–1(b)(3)(B).

[36] *See* Application, Exhibit J, at 8.

[37] *See* CCUS Rules, at Rule 101(dd) (''General,'' ''Definitions,'' ''Customer Account''), at . 5 (defining a ''Customer Account'' of broker-dealer clearing members as including a ''Securities Customer Account''); Rule 101(uuu) (''General,'' ''Definitions, ''Securities Customer Account''), at 9 (defining ''Securities Customer Account'' to mean, *inter alia,* an account the broker-dealer clearing member has with CCUS in which the broker-dealer clearing member maintains Securities Contracts and associated collateral solely on behalf of its securities customers, subject to any applicable requirements, including Rule 15c3–3).

[38] *See* CCUS Rules, at Rule 101(mmm) (''General,'' ''Definitions,'' ''PAB Account''), at 8 (defining a ''PAB Account'' to mean an account that: (i) a broker-dealer clearing member carries for another broker-dealer, other than a market-maker account (ii) which holds Securities Contracts and related funds proprietary to that other broker-dealer (and are not held for the benefits of its customers), other than a Market-Maker Account; and (iii) is not a Member Property Account). *Id; see also infra* notes 51–52.

[39] *See* CCUS Rules, at Rule 101(hhh) (''General,'' ''Definitions,'' ''Member Property Account''), at 7 (defining a ''Member Property Account'' to mean an account that a clearing member has with CCUS in which the broker-dealer clearing member maintains Securities Contracts and related funds (including initial margin) solely on its own behalf, other than a Market-Maker Account); *see also infra* note 52.

[40] *See* CCUS Rules, at Rule 101(ggg) (''General,'' ''Definitions,'' ''Market-Maker Account''), at 7 (defining a ''Market-Maker Account'' to mean an account that a clearing member has with CCUS in which the broker-dealer clearing member maintains Securities Contracts and related funds (including initial margin) either in its capacity as a Market-Maker or on behalf of a Market-Maker for which it clears; *see also* CCUS Rules, at Rule 101(fff) (''General,'' ''Definitions,'' ''Market-Maker''), at 7 (defining ''Market-Maker'' to mean, *inter alia,* a member of a national securities exchange or national securities association who is not required to be treated as a ''customer'' under Rule 15c3–3 under the Exchange Act). 17 CFR 240.15c3–3.

[41] *See* Application, Exhibit J, at 8–9.

[42] *See* CCUS Rules, at Rule 309(e) (''Clearing Members,'' ''Customer Accounts, Member Property Accounts, PAB Accounts, and Market-Maker Accounts''), at 33 (''All funds and assets held by Cboe Clear US on behalf of Securities Customers of a BD Clearing Member shall be maintained in a Securities Customer Account, segregated from Futures Customer Accounts and from the BD Clearing Member's proprietary accounts, in accordance with Applicable Law''); Application, Exhibit J, at 8 (''Customer clearing accounts will hold funds on behalf of Clearing Members' customers as defined in [Rule 15c3–3]'').

[43] *See* CCUS Rules, at Rule 404(b) (''Clearing, Settlement, and Delivery of Contracts,'' ''Offset and Settlement''), at 46.

[44] *See* Application, Exhibit J, at 5. *See also* CCUS Rules, at Rule 101(hh) (''General,'' ''Definitions,'' ''Default Financial Resources Requirement''), at 5 (defining CCUS's ''Default Financial Resources Requirement'' to mean ''the amount of financial resources required to enable [CCUS] to meet its obligations to Clearing Members notwithstanding the default of the two Clearing Members, including any affiliates, generating the largest financial exposures for [CCUS] in extreme but plausible market conditions'').

[45] *See* Application, Exhibit J, at 5.

[46] *See* Application, Exhibit J, at 5.

[47] *See* Application, Exhibit J, at 5. For example, CCUS explains that traditional stress testing designed to measure tail-risk exposure beyond collected margin is not applicable to binary security options. *Id.* at 7.

[48] *See* Application, Exhibit J, at 5.

[49] *See* Application, Exhibit J, at 7.

While binary security options would be fully margined (*i.e.,* fully collateralized), CCUS states that it does not require prefunding of margin requirements.[50] Therefore, prior to the completion of CCUS's daily settlement cycle, CCUS faces intraday exposure associated with any unsettled positions of any defaulting clearing member.[51] CCUS states this intraday exposure is mitigated through: (i) the bounded nature of binary security option's payouts (*i.e.,* $0.00 or a maximum payout of $1.00); (ii) intra-day margin calls made in response to CCUS's near real-time monitoring of clearing members' exposure; and (iii) CCUS's default waterfall.[52]

CCUS does not anticipate that clearing binary security options will generate material liquidity risk beyond this ''intraday settlement timing gap.'' [53] In addition to limiting liquidity risk, CCUS states that the binary security option's fully margined, bounded-payout structure also mitigates: (i) procyclicality risk (*i.e.,* fixed exposure prevent market stress from increasing margin requirements); (ii) wrong-way risk (*i.e.,* CCUS's exposure to defaulting clearing member remains fixed despite contributing market conditions); (iii) model risk (*i.e.,* the discrete payoff eliminates margin models' tail-risk understatement); and (iv) concentration risk (*i.e.,* the collateralized, discrete payoffs prevent position concentration from generating outsized tail risk).[54]

CCUS states its stress test methodology is designed to ensure that its guaranty fund's size is at least equal to the largest theoretical loss to CCUS resulting from the default of the two clearing members (including any affiliated clearing members) in extreme but plausible market conditions.[55] To determine this theoretical loss, CCUS states that it measures each clearing member group's shortfall between: (i) the stress loss; and (ii) initial margin requirement in each clearing account (subject to the restriction that Customer Account gains will not offset PAB Account losses).[56] Given the binary securities options' bounded-payout structure, CCUS states that its risk management accounts for the potential risk of losses between: (i) CCUS's novation of a trade; and (ii) the completion of CCUS's daily settlement cycle (*i.e.,* when CCUS collects the funds from its clearing members associated with all unsettled positions).[57]

To address potential credit losses, the Rules grant CCUS assessment powers of its non-defaulting clearing members on a *pro rata* basis relative to its Guaranty Fund Deposit requirement.[58] The Application states that CCUS may assess its non-defaulting clearing members in relation to their required Guaranty Fund Deposit.[59] If a single clearing member defaults, CCUS states that it may assess the non-defaulting clearing members up to 300% of this amount; for multiple clearing member defaults, CCUS may assess the non-defaulting clearing members up to 600% of this amount.[60] Assessments would only be called for in the event the Initial Margin and Guaranty Fund Deposits of the defaulting clearing member(s), CCUS's contributed capital, and the mutualized guaranty fund are exhausted.[61]

CCUS describes several operational risk management practices. Regarding trade processing, CCUS states it employes ''near real-time monitoring for any errors generated during trade processing.'' [62] After Cboe Exchange submits a pre-matched trade, CCUS validates the transaction based on the trade record, and CCUS novates the trade upon successful validation.[63] For product validation, CCUS states that its validation check ensures submitted dates are valid settlement dates (*i.e.,* business days, exclusive of Federal Reserve holidays).[64] For account validation, CCUS states that it confirms the good standing of each clearing member's clearing account.[65] CCUS states that it will reject all transactions that are not novated by its specified deadlines.[66] CCUS's clearing members will be responsible to CCUS to settle their option premiums and Initial Margin deficits at each settlement cycle.[67] For expiring binary options, an underlying reference price will be provided by Cboe Exchange to CCUS to determine the final settlement price for each binary option strike.[68]

(c) Technology and Systems

In the Application, CCUS describes its system safeguards and disaster recovery, describing its (i) information technology infrastructure; (ii) information security; and (iii) physical security.[69] Regarding information technology infrastructure, the Application states that CCUS's systems will be hosted in a ''virtual private cloud ('VPC') environment across a minimum of (2) geographically disparate regions.'' [70] The Application also states that the ''system will have the ability to run with either region as the 'primary' and failover either parts or all of the application to the 'secondary' region when needed.'' [71]

The Application states that CCUS ''relies on Cboe's supporting technology infrastructure in physical data centers and facilities to provide access into CCUS's technology infrastructure.'' [72] Regarding information security and physical security, the Application states

[50] *See* Application, Exhibit J, at 5.

[51] *See* Application, Exhibit J, at 5–6.

[52] *See* Application, Exhibit J, at 6.

[53] *See* Application, Exhibit J, at 6.

[54] *See* Application, Exhibit J, at 6, n.1.

[55] *See* Application, Exhibit J, at 7; *see also supra* note 61 (explaining that traditional stress testing designed to measure tail-risk exposure beyond collected margin is not applicable to binary security options).

[56] *See* Application, Exhibit J, at 7.

[57] *See* Application, Exhibit J, at 7.

[58] *See* CCUS Rules, at Rule 507(a) (''Obligations of [CCUS],'' ''Assessments''), at 57 (''Payment of Assessment Amounts that replenish the Guaranty Fund shall be made by Clearing Members on the basis of the same proportionality at the time of the Default that resulted in the assessment''); Application, Exhibit J, at 7.

[59] *See* Application, Exhibit J, at 8 (''CCUS assesses each Clearing Member on a pro rata basis relative to its Guaranty Fund Deposit requirement''); CCUS Default Management Plan, Section 3.8 (''Assessments'')), at 5, available at *https://cdn.cboe.com/resources/membership/CCUS-Default-Management-Plan.pdf.*

[60] *See* Application, Exhibit J, at 7 (''CCUS will maintain assessment powers sized to 300% of non-Defaulting Clearing Member's Guaranty Fund Deposit requirements if a single Clearing Member Defaults and 600% for multiple Clearing Member Defaults during the Cooling Off Period as defined in the Default Management Plan''); *see also* CCUS Rules, at Rule 507(d) (''Obligations of [CCUS],'' ''Assessments''), at 59 (''Assessments on Clearing Members shall not exceed the thresholds set forth in the Default Management Plan''); CCUS Default Management Plan, Section 3.8 (''Assessments'')), at 5, available at *https://cdn.cboe.com/resources/membership/CCUS-Default-Management-Plan.pdf.*

[61] *See* Application, Exhibit J, at 7.

[62] *See* Application, Exhibit J, at 7–8. CCUS states that any cancellation or amendment of a submitted transaction from Cboe Exchange requires CCUS's manual intervention. *Id.* at 8.

[63] *See* CCUS Rules, at Rule 401(b) (''Clearing, Settling, and Delivery of Contracts,'' ''Submission of Trades''), at 41 (''Upon matching of a trade effected on or pursuant to the rules of a Participating Exchange, the Participating Exchange shall promptly submit to Cboe Clear US a trade report generated by the electronic trading system of the Exchange. The report shall show for each trade, as applicable: (i) the identity of each Clearing Member; (ii) whether bought or sold; (iii) quantity; (iv) delivery month; (v) the price; (vi) whether for Member Property Account, Market-Maker Account, PAB Account, or Customer Account; (vii) the clearing date; (viii) transaction time; (ix) the trade source; (x) the product type; (xi) the ticker symbol; (xii) the series/contract date; (xiii) whether the trade is a put or a call; (xiv)the strike price; (xv) the account type; (xvi) the allocation indicator; (xvii) the Clearing Member Trade Agreement (''CMTA'') indicator; (xvii) the given-up Clearing Member; and (vii) such other information as may be required by Cboe Clear US''); Application, Exhibit J, at 8.

[64] *See* Application, Exhibit J, at 8.

[65] *See* Application, Exhibit J, at 8.

[66] *See* Application, Exhibit J, at 8.

[67] See Application, Exhibit J, at 8.

[68] *See* Application, Exhibit J, at 8.

[69] *See* Application, Exhibit K, at 1.

[70] *See* Application, Exhibit K, at 1.

[71] *See* Application, Exhibit K, at 1.

[72] *See* Application, Exhibit K, at 1.

that: (i) ''Cboe's policies, procedures, and controls are built upon industry best practices;'' and (ii) are intended to ''prevent unauthorized access to its information and networks across both physical datacenters and the VPC environment.'' [73] Separately, regarding backup systems, the Application describes CCUS's system design, approach to operational resilience,[74] availability and disaster recovery,[75] and data backup.[76]

3. Organization, Governance, and Analysis

(a) Organization

The Application demonstrates that CCUS is a limited liability company (''LLC'') that is: (i) duly formed under the laws of the state of Delaware; and (ii) in good standing in the state of Delaware.[77] The Application identifies that Cboe Clear Digital Holdings, LLC (''Cboe Digital'') owns 100% of CCUS [78] and serves as CCUS's sole member (''LLC Member'').[79] As noted above, the Application also states that CCUS is a DCO registered with the CFTC.[80] Pursuant to its registration as a DCO with the CFTC, CCUS currently offers regulated clearing services for cash-settled index futures on digital assets indices.[81]

In its Application, CCUS provides its proposed LLC Agreement that identifies how CCUS will govern the management and operation of CCUS, including the relationship between CCUS's Board of Directors (''Board'') and the LLC Member.[82] In particular, Section V of the proposed LLC Agreement (''Management of the Company'') states that: CCUS ''shall be managed by and all decisions regarding [CCUS] shall be made by [the LLC Member],'' subject to the LLC Member's delegation of authority ''over the business and affairs of [CCUS] to the Board.'' [83] The LLC Member's delegation to the Board explicitly includes the ''full, exclusive[,] and complete discretion'' to: (i) ''manage and control the business and affairs of [CCUS];'' (ii) ''to make all decisions affecting the business and affairs of [CCUS];'' and (iii) ''to take all such actions as it deems necessary or appropriate to accomplish the purposes of [CCUS] as set forth herein.'' [84] The proposed LLC Agreement also states that the Board shall not ''approve,'' ''undertake,'' or ''authorize any other Person to approve or undertake'' 17 specific actions without the prior written consent of the LLC Member ''[n]otwithstanding anything to the contrary contained [in the LLC Agreement].'' [85] The proposed LLC Agreement may not be amended without the written consent of the LLC Member.[86]

The proposed LLC Agreement includes a ''Limitation on Exercise of Reserved Authorities,'' which would prohibit the Member's exercise of any authority pertaining to CCUS's ability to comply with the requirements of Section 17A of the Exchange Act or the rules and regulations thereunder.[87] Specifically, this section states that the Member ''shall not exercise any consent, right, or other authority reserved to [the Member]'' if that exercise would: (i) impair the Board's authority to direct the operations of CCUS consistent with Section 17A of the Exchange Act; [88] (ii) deny or impair the fair representation of CCUS's participants as contemplated by Section 17A(b)(3)(C) of the Exchange Act; [89] or (iii) prevent the Board from being composed or operate in a manner required by the Exchange Act or Rule 17Ad-25 thereunder.[90]

CCUS states that it is an indirect, wholly-owned subsidiary of CGM, its ultimate corporate parent.[91] The Application states that CGM: (i) is a public company owned by public shareholders; (ii) is listed for trading on the Cboe BZX Exchange; and (iii) owns ''a number of direct wholly-owned subsidiaries'' and ''a variety of indirect subsidiaries (including CCUS).'' [92] Referencing CGM's governing documents, the Application states that CGM's subsidiaries include self-regulatory organizations (''SROs'') registered with the Commission as national securities exchanges.[93] The CGM Certificate explicitly distinguishes among CGM subsidiaries based on whether the subsidiary is a national

[73] *See* Application, Exhibit K, at 1.

[74] *See* Application, Exhibit M, at 1.

[75] *See* Application, Exhibit M, at 1–2.

[76] *See* Application, Exhibit M, at 2.

[77] *See* Application, Exhibit E–6 (Certificate of Good Standing for ''CBOE Clear U.S., LLC'' from the Office of the Delaware Secretary of State (dated Sept. 18, 2026)).

[78] *See* Application, Exhibit E–3 (''Ninth Amended and Restated Limited Liability Company Agreement of CBOE Clear U.S., LLC,'' dated Oct. 1, 2026) (''LLC Agreement''), Exhibit A, at 14. The Application identifies that Cboe Digital Exchange, LLC (''Digital Exchange'') is Cboe Digital's sole member. *See id.,* Signature Page, at 14.

[79] *See* Application, Exhibit A, at 1.

[80] *See* Application, Exhibit C; *see also* Exhibit J at 2 (describing CCUS as a ''Subpart C'' DCO under CFTC regulations).

[81] *See* Application, Exhibit J, at 1.

[82] *See* Application, Exhibit E–3 (LLC Agreement). Capitalized terms not defined in this order are defined in the Application.

[83] *See* Application, Exhibit E–3, (LLC Agreement), Sections (V)(a)–(b) (''Management of the Company''), at 2–3.

[84] *See* Application, Exhibit E–3, (LLC Agreement), Sections (V)(b) (''Management of the Company''), at 2–3.

[85] *See* Application, Exhibit E–3 (LLC Agreement), Section X(l) (''General Provisions,'' ''Required Member Consent''), at 8–9. Specifically, the LLC Agreement states that the Board ''shall not,'' without prior consent of the LLC Member: ''(i) enter into, approve or adopt an annual business plan or annual budget, provided that any such annual business plan or annual budget shall first be reviewed and approved by the Board; (ii) appoint a new President, Chief Financial Officer, Chief Risk Officer, Chief Compliance Officer, Chief Regulatory Officer, any executive vice president or any other officer comprising senior management of the Company, or the termination (other than for cause) of or material change in the compensation (including equity compensation) of any then-existing President, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief Risk Officer, any executive vice president or any other officer comprising senior management of the Company; (iii) acquire or dispose of any business or any material assets; (iv) approve, recommend, consummate or participate in any Sale Transaction; (v) cause any material change in the line(s) of business of the Company and its subsidiaries, taken as a whole, from the business conducted by the Company and its subsidiaries as of the date hereof; (vi) create, authorize, offer, issue or sell to any Person any Interests or any interests or other instruments directly or indirectly convertible, exercisable or exchangeable for Interests; (vii) admit a new Member to the Company; (viii) create or grant any security interest, encumbrance or guarantee on the assets of the Company or any of its subsidiaries; (ix) incur indebtedness for borrowed money; (x) approve, initiate or consummate a reorganization, liquidation or dissolution of the Company; (xi) initiate or settle any litigation or any other action, suit or similar proceeding; (xii) finalize or settle any administrative or judicial disputes with any taxing or other governmental authority; (xiii) select, cause appointment or replace the auditors of the Company or its Subsidiaries, following recommendation of the Audit Committee and approval of the Board; (xiv) file any tax returns and statements with respect to the Company or any subsidiary or the assets of the Company or any subsidiary; (xv) amend any accounting policy or make any tax election or decision or change in tax classification of the Company; (xvi) amend the Company's organizational documents or documents related to the Interests; or (xvii) redeem, repurchase or otherwise acquire any Interests or other instruments directly or indirectly convertible, exercisable or exchangeable for Interests.'' *Id.*

[86] *See* Application, Exhibit E–3 (LLC Agreement), Section X (''General Provisions''), (o), at 12.

[87] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities'') at 8.

[88] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k)(i) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities''), at 8.

[89] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k)(ii) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities''), at 8.

[90] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k)(iii) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities''), at 8.

[91] *See* Application, Exhibit A, at 1; Exhibit C.

[92] *See* Application, Exhibit C.

[93] *See* Application, Exhibit A at 1 n.1 (describing the ''Third Amended and Restated Certificate of Incorporation of Cboe Global Markets, Inc.,'' dated October 16, 2017 (the ''CGM Certificate''); *see also* CGM Certificate. *https://cdn.cboe.com/resources/regulation/cboe-global-markets-certificate-of-incorporation.pdf.*

securities exchange (defining ''any national securities exchanges controlled, directly or indirectly by [CGM]'' as a ''*Regulated Securities Exchange Subsidiary*'').[94] The CGM Certificate also includes specific representations pertaining to CGM ''being the ultimate parent of [any] Regulated Securities Exchange Subsidiaries.'' [95] CCUS states that these representations include CGM's submitting to U.S. regulatory authority,[96] safeguarding sensitive SRO information,[97] and committing CGM and its personnel to compliance with, and cooperation under, the federal securities laws.[98] The Application states that the CGM Certificate was adopted when ''CGM controlled national securities exchanges and did not control any registered securities clearing agencies, and the defined term 'Regulated Securities Exchange Subsidiary' refers to national securities exchanges controlled by CGM.'' [99] CCUS also states that CGM is ''evaluating adopting a governance policy providing that it will give due regard to the principles in Articles Fourteenth through Sixteenth of the CGM Certificate with respect to any registered securities clearing agency it controls, including CCUS, in the same manner as those principles apply to its Regulated Securities Exchange Subsidiaries.'' [100]

Exhibits H–1 and H–2 explain the relationship between CGM and CCUS,[101] identifying four wholly-owned CGM subsidiaries above CCUS: (i) Cboe Digital (the LLC Member); [102] (ii) Digital Exchange (Cboe Digital's sole member); [103] (iii) Cboe Digital Intermediate Holdings, LLC (''Intermediate Holdings,'' Digital Exchange's sole member); [104] and (iv) Cboe Digital Holdings, Inc. (''Holdings, Inc.,'' Intermediate Holdings' sole member).[105] The Application states that CCUS's officers ''may have reporting relationships to other CGM businesses'' (*i.e.,* other CGM subsidiaries).[106] CCUS explains that ''those reporting relationship will correspond to the departments with which the officers' or employees' duties are associated.'' [107] The Application also states that CGM and CCUS are parties to: (i) a ''Master Intercompany Services & License Agreement;'' and (ii) a related ''Services and Expense Sharing Agreement.'' [108] Under these agreements, certain ''affiliates of CGM provide shared services'' to CCUS, such as ''accounting and payroll.'' [109] The Application states that CGM will allocate the costs for these shared services and other expenses (such as technology costs, professional fees, and facility costs) to CCUS in accordance with the Agreement.[110]

(b) Governance

Under the proposed LLC Agreement, CCUS's Board will consist of between three to eleven directors (''Directors''). The LLC Member will appoint each Director (including one Director who Cboe Digital will designate as Chair).[111] The Application states that CCUS's Board will consist of: (i) a majority of independent Directors [112] (''Independent Directors''); [113] and (ii) at least two Directors who are market participants.[114] In addition to the delegation of authority under the LLC Agreement,[115] the Board's charter (''Board Charter'') states the Board's responsibilities also include: (i) risk management oversight; (ii) service provider oversight; (iii) consideration of stakeholder views; and (iv) conflict of interest policies.[116]

The Application lists the current membership of CCUS's Board, which consists of a total of seven Directors (including a Chair, four Independent Directors, and two market participant

[94] *See* Application, Exhibit A at 1 n.1 (emphasis original); *see also* CGM Certificate, Article Fifth, (a) (''Definitions''), (i) (''Regulatory Securities Exchange Subsidiary''), at 3.

[95] *See* Application, Exhibit A at 1 n.1. *See also* CGM Certificate, Articles Fourteenth–Sixteenth, at 10–12.

[96] *See* Application, Exhibit A at 1 n.1. *See also, e.g.,* CGM Certificate, Article Fourteenth at 10–11 (''The Corporation, its directors, officers, agents and employees, irrevocably submit to the jurisdiction of the U.S. federal courts, the SEC, and the Regulated Securities Exchange Subsidiaries, for the purposes of any suit, action or proceeding pursuant to U.S. federal securities laws or the rules or regulations thereunder, commenced or initiated by the SEC arising out of, or relating to, the Regulated Securities Exchange Subsidiaries' activities (and shall be deemed to agree that the Corporation may serve as the U.S. agent for purposes of service of process in such suit, action or proceeding), and hereby waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that they are not personally subject to the jurisdiction of the U.S. federal courts, the SEC, and the Regulated Securities Exchange Subsidiaries, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter thereof may not be enforced in or by such courts or agency'').

[97] *See* Application, Exhibit A at 1 n.1. *See also, e.g.,* CGM Certificate, Article Fifteenth, at 11 (''To the fullest extent permitted by applicable law, all confidential information pertaining to the self-regulatory function of Regulated Securities Exchange Subsidiaries (including but not limited to disciplinary matters, trading data, trading practices and audit information) contained in the books and records of any Regulated Securities Exchange Subsidiary that shall come into the possession of the Corporation shall: (1) not be made available to any Persons (other than as provided in the next sentence) other than to those officers, directors, employees and agents of the Corporation that have a reasonable need to know the contents thereof; (2) be retained in confidence by the Corporation and the officers, directors, employees and agents of the Corporation; and (3) not be used for any commercial purposes[. . . .] The books and records related to the business of a Regulated Securities Exchange Subsidiary shall be subject at all times to inspection and copying by the SEC and the Regulated Securities Exchange Subsidiary'').

[98] *See* Application, Exhibit A at 1 n.1. *See also, e.g.,* CGM Certificate, Article Sixteenth, at 11 (''The Corporation shall comply with the federal securities laws and the rules and regulations thereunder and shall cooperate with the SEC, and each Regulated Securities Exchange Subsidiary pursuant to and to the extent of its regulatory authority, and shall take reasonable steps necessary to cause its agents to cooperate with the SEC and, where applicable, the Regulated Securities Exchange Subsidiaries pursuant to their regulatory authority, with respect to such agents' activities related to the Regulated Securities Exchange Subsidiaries'').

[99] *See* Application, Exhibit A at 1 n.1.

[100] *See* Application, Exhibit A at 1 n.1.

[101] *See* Application, Exhibit H–1 (Audited Financial Statements for Year Ending Dec. 31, 2025), at 9; Exhibit H–2 (Audited Financial Statements for Year Ending Dec. 31, 2024, at 9.

[102] *See* Application, Exhibit H–1, at 9 (stating that Cboe Digital is: (i) ''the sole [m]ember of [CCUS];'' and (ii) ''a Delaware Limited Liability Company formed on October 16, 2017 as a holding company for [CCUS]''); Exhibit H–2, at 9 (same). *See also supra* note 85 and accompanying text.

[103] *See* Application, Exhibit H–1, at 9 (stating that Digital Exchange is: (i) ''the sole [m]ember of [Cboe Digital];'' (ii) ''a Delaware Limited Liability Company formed on February 4, 2010;'' and (iii) ''a Designated Contract Market ('DCM') regulated by the CFTC''); Exhibit H–2, at 9 (same); *see also supra* note 85 and accompanying text.

[104] *See* Application, Exhibit H–1, at 9 (stating Intermediate Holdings is: (i) ''the parent and sole [m]ember of [Digital Exchange];'' and (ii) ''a Delaware Limited Liability Company formed on November 29, 2017''); Exhibit H–2, at 9 (same).

[105] *See* Application, Exhibit H–1, at 9 (stating: (i) Intermediate Holdings is ''a wholly[-]owned subsidiary of [Holdings, Inc];'' and (ii) Holdings, Inc. is ''a wholly[-]owned subsidiary of [CGM]''); Exhibit H–2, at 9 (same).

[106] *See* Application, Exhibit C. Exhibit C also states that ''other employees of CGM businesses assigned to work on [CCUS]'' may also have reporting relationships to other CGM subsidiaries. *Id.*

[107] *See* Application, Exhibit C.

[108] *See* Application, Exhibits H–1 at 8; H–2 at 8.

[109] *See* Application, Exhibits H–1 at 8; H–2 at 8.

[110] *See* Application, Exhibits H–1 at 8; H–2 at 8.

[111] *See* Application, Exhibit E–3 (LLC Agreement), Section V(c) (''Management of the Company;'' ''Number; Election; Tenure; Compensation; Reimbursement'') at 3.

[112] *See* Application, Exhibit E–3 (LLC Agreement), Section V(d)(i) (''Management of the Company;'' ''Board Composition Requirements'') at 3.

[113] Application, Exhibit E–3 (LLC Agreement), Exhibit B (Definitions), at 15 (defining an Independent Director as a Director: (i) who is ''not an executive, officer, or employee of [CCUS] or an affiliate;'' and (ii) is an ''Independent Director'' as ''defined in [Rule] 17ad-25 [under the Exchange Act]'').

[114] Application, Exhibit E–3 (LLC Agreement), Section V(d)(ii) (''Management of the Company;'' ''Board Composition Requirements'') at 3. The Board will ''determine[] and define[]'' the Directors who are ''market participants.'' *Id.*

[115] *See supra* note 91 and accompanying text.

[116] *See* Application, Exhibit E–1–74 (''Board Charter;'' ''Certain Responsibilities of Board''), at 3.

Directors).[117] Exhibit A identifies the Board's Chair, four Independent Directors, and two market participant Directors.[118] This Board composition is consistent with the LLC Agreement's requirements regarding: (i) total size (the Board's seven directors complies with the requirement to be between three and eleven directors); [119] (ii) Independent Directors (the Board's four Independent Directors complies with the requirement that Board's majority of its seven total members be Independent Directors); [120] and (iii) market participant Directors (the Board includes the required two market participant Directors).[121]

In addition to the LLC Member and the Board, Exhibit A identifies that the following entities/persons will control or direct the management and policies of CCUS: (i) CCUS's audit committee (''Audit Committee,'' comprised of Directors according to the CCUS Rules, the Board Charter, and the Audit Committee Charter); (ii) CCUS's Risk Management Committee (''RiskCo,'' comprised of Directors, clearing members, customers of clearing members, according to the CCUS Rules, the Board Charter, and the RiskCo Charter); and (iii) five CCUS executives.[122] The Application states that CCUS, its Board, Audit Committee, RiskCo, and its executives will control or direct the management and policies of CCUS pursuant to its LLC Agreement, its Rules, and the Board Charter.[123] In addition to the LLC Agreement and CCUS Rules, the RiskCo and the Audit Committee will each control or direct the management and policies of CCUS pursuant to their respective charters.[124]

CCUS's nominating committee (''Nominating Committee'') will nominate for appointment by the LLC Member, the members of the RiskCo and Audit Committee from among its Directors, pursuant to the Nominating Committee Charter.[125]

The Audit Committee Charter states the Audit Committee's responsibilities include the ''independent and objective oversight of the financial statement and financial reporting process, the systems of internal accounting and financial controls, and the internal audit function and the annual independent audit of the Company's financial statements.'' [126] Specifically, the Audit Committee Charter states that the Audit Committee will assist the Board's oversight of, without limitation: (i) the integrity of CCUS's financial statements; (ii) CCUS's compliance with legal and regulatory requirements as they may impact CCUS's financial statements or financial disclosures; (iii) CCUS's independent auditors' qualifications and independence; (iv) the performance of CCUS's independent auditors; and (v) the internal audit function.[127] The Audit Committee Charter also states that the Audit Committee ''shall consult with the CGM Audit Committee prior to taking action'' in the event that ''CCUS matters may relate to or involve CCUS affiliates, such as [CGM].'' [128]

The RiskCo Charter states that the RiskCo is ''an advisory committee to the Board with regard to any matters that could materially affect the risk profile of [CCUS]'' as a DCO under CFTC Rule 39.24 and as a clearing agency registered with the Commission under Section 17A of the Exchange Act and Rule 17Ad-25(d) thereunder.[129] Specifically, the RiskCo Charter states that the RiskCo will advise the Board on: (i) material changes to CCUS's risk models, default management procedures, financial resources, and credit risk management, as well as material revisions to CCUS's policies governing the framework, testing, and calculation, as applicable, of the aforementioned matters; (ii) material changes to standards and requirements for clearing member eligibility and participation; (iii) consideration of applications for membership as CCUS clearing members; (iv) clearing of any new products that have margining, liquidity, default management, pricing, or other risk characteristics that differ materially from those currently cleared by CCUS; (v) material changes to CCUS's risk monitoring practices; (vi) regulatory proposals that may pose a novel question or regulatory risk prior to implementation, including advising the Board as to whether and how such changes may impact regulation; and (viii) any other material risk management issues, including risk management policy, financial safeguards, financial surveillance and membership issues.[130]

(c) Analysis

With respect to organization and governance, CCUS's Application demonstrates that it is an LLC organized in the State of Delaware in good standing.[131] As described above and in Exhibit A of the Application, the following persons will control or direct the management and policies of CCUS: (i) the LLC Member; (ii) its Board; (ii) its Audit Committee; (iv) its RiskCo; and (v) its executives.[132] In addition, per Exhibit E–3, the Application sets forth that CCUS has a written board charter establishing the purpose, composition, chair selection, term, director election, vacancy, removal and resignation, meetings, committees, succession procedures, confidentiality, and conflicts of interest expectations for the Board. These charters are extensive, detailed, and provide for delineation of roles and responsibilities among the Board, executives, and the LLC Member.

In the Application, CCUS provides the written charters for its Board, Audit Committee, RiskCo, and Nominating Committee, which include, *inter alia,* provisions for each board committee addressed to purpose, membership, and responsibilities.[133] Such delineation of roles and responsibilities of Board committee members is one way the

[117] *See* Application, Exhibit A at 2.

[118] *See* Application, Exhibit A at 2.

[119] *See* Application, Exhibit E–3 (LLC Agreement), Section V(c) (''Management of the Company,'' ''Number; Election; Tenure; Compensation; Reimbursement''), at 3 (''The Board shall consist of between three (3) and eleven (11) directors'').

[120] *See* Application, Exhibit E–3 (LLC Agreement), Section V(d)(i) (''Management of the Company,'' ''Board Composition Requirements''), at 3 (''A majority of the Directors shall be Independent Directors'').

[121] *See* Application, Exhibit E–3 (LLC Agreement), Section V(d)(ii), (''Management of the Company,'' ''Board Composition Requirements,''), at 3 (''The board shall include at least two (2) Directors who are market participants'').

[122] *See* Application, Exhibit A at 1; Exhibit B at 1–3 (identifying the five (5) executives: (i) Mr. Dale Michaels, Head of CCUS; (ii) Ms. Lauren Arbid, Head of CCUS Market Structure; (iii) Mr. Joshua Iverson, CCUS Chief Risk Officer; (iv) Ms. Jennifer Fuentes, CCUS Chief Compliance Officer; and (v) Mr. Michael Margolis, Head of CCUS Legal).

[123] *See* Application, Exhibit A, at 2; *see also* Exhibit E–3; Exhibit E–2 (CCUS Rules); Exhibit E–1.74 (Board Charter).

[124] *See* Application, Exhibit A, at 2; *see also* Exhibit E–1.73 (Audit Committee Charter), Exhibit E–1.94 (RiskCo Charter).

[125] *See* Application, Exhibit A, at 2; *see also* Exhibit E–1.75 (Nominating Committee Charter). *See also* Application, Exhibit E–3 (LLC Agreement), Section V(i)(iii), (''Management of the Company,'' ''Committees,'' ''Nominating Committee''), at 6 (''The Board shall appoint and oversee a Nominating Committee [. . .] which shall consist of a minimum of three (3) individuals, a majority of whom shall be independent Directors'').

[126] *See* Application, Exhibit E–1.73 (Audit Committee Charter), at 1. *See also* Application, Exhibit E–3 (LLC Agreement), Section V(i)(iv), (''Management of the Company,'' ''Committees,'' ''Audit Committee''), at 7 (''The Board shall appoint and oversee an Audit Committee [. . .] which shall consist of a minimum of three (3) individuals, a majority of whom shall be independent Directors'').

[127] *See* Application, Exhibit E–1.73 (Audit Committee Charter), at 1.

[128] *See* Application, Exhibit E–1.73 (Audit Committee Charter), at 1.

[129] *See* Application, Exhibit E–1.94 (RiskCo Charter), at 1; *see also* 15 U.S.C. 78q–1 *et seq.;* 17 CFR 240.17ad–25.

[130] *See* Application, Exhibit E–1.94 (RiskCo Charter), at 2–3.

[131] *See supra* note 78 and accompanying text.

[132] *See* Application, Exhibit A, at 1.

[133] *See* Application, Exhibit E–1.74 (Board Charter); E–1.73 (Audit Committee Charter); Exhibit E–1.94 (RiskCo Charter); Exhibit 1–75 (Nominating Committee Charter).

Application demonstrates that CCUS meets the statutory standard in Section 17A(b)(3)(A).[134] Where appropriate, such charters also establish composition requirements for a majority of Independent Directors, consistent with the Commission's rules for clearing agency governance.[135] The Board committees have distinguishable areas of focus and are designed to operate within the larger corporate framework, which is another way the Application demonstrates that CCUS meets the statutory standard in Section 17A(b)(3)(A) and is so organized and has the capacity to comply with the Exchange Act and rules and regulations thereunder.[136]

Under the proposed LLC Agreement, the Board could not amend the LLC Agreement without the written consent of Cboe Digital (as sole member), and any such amendment must comply with Section 19(b) of the Exchange Act and the rules thereunder.[137] This provision would prevent the Board from revising how CCUS operates unless the Board obtains the LLC Member's consent, even if the Board and the LLC Member—its parent company—are likely to have aligned views. However, as discussed above, the proposed LLC Agreement also includes provisions demonstrating that the LLC Member cannot ''exercise any consent, right, or other authority reserved to [the LLC Member]'' if that exercise would: (i) impair the Board's authority to direct the operations of CCUS consistent with Section 17A of the Exchange Act; [138] (ii) deny or impair the fair representation of CCUS's participants as contemplated by Section 17A(b)(3)(C) of the Exchange Act; [139] or (iii) prevent the Board from being composed or operate in a manner required by the Exchange Act or Rule 17Ad–25 thereunder.[140] Ultimately, to the extent CCUS would seek to alter the provisions of its proposed LLC Agreement and charters, revisions to its rules, policies and procedures, including these types of governing documents, are required to be filed with the Commission as proposed rule changes pursuant to Section 19(b) of the Exchange Act and rules thereunder, including Rule 19b–4, and the Commission will review any such changes for consistency with the Exchange Act and the rules and regulations thereunder.[141]

CCUS's governance arrangements include a process for classifying certain directors as independent. The Nominating Committee Charter states that the Nominating Committee is responsible for developing standards for ''whether [a] candidate would qualify as an Independent Director consistent with Section V of the LLC Agreement, and whether the candidate has any known material relationship with [CCUS] or any affiliate thereof, an owner, a participant, or a representative of another stakeholder.'' [142] Consistent with the Nominating Committee Charter, the Nominating Committee will consist of a majority of Independent Directors.[143] Under the LLC Agreement, the LLC Member may remove any Director (including an Independent Director) ''with or without cause,'' which could cause the Nominating Committee to be composed of less than a majority of Independent Directors; however, the proposed LLC Agreement makes clear that the LLC Member would not exercise any right or other authority that prevents the Board from being composed or operating in a manner required by the Exchange Act or applicable regulations, including Rule 17Ad–25.[144] The Nominating Committee also is responsible for considering the views of participants and other relevant stakeholders regarding material developments in the Company's risk management and operations on a recurring basis, including whether a potential candidate's appointment would reflect the range of different business strategies, models, and sizes across participants, as well as the range of customers and clients the participants serve.[145] The Nominating Committee is also responsible for considering the views of other stakeholders who may be affected by the decisions of CCUS, including transfer agents, settlement banks, nostro agents, liquidity providers, and technology or other service providers.[146] As discussed further below, these provisions relate to whether participants have fair representation in the selection of directors.

Although neither the LLC Member nor CGM will carry out regulatory functions, their activities with respect to the operation of CCUS must be consistent with, and must not interfere with, CCUS's self-regulatory obligations. In this regard, (i) the proposed LLC Agreement's limitation on the LLC Member's exercise of authority; [147] and (ii) the representation in Exhibit A that CGM recognizes a possible discrepancy in its Certificate's representations pertaining to its national securities exchange subsidiaries versus clearing agency subsidiaries are two ways that the Application helps demonstrate consistency with the requirements of Section 17A(b)(3)(A) of the Exchange Act.[148] Both reflect an intent by the LLC Member and CGM to ensure that CCUS has sufficient independence to execute its responsibilities as a registered clearing agency, which the governing documents of other self-regulatory organizations that have been granted registration are similarly designed to incorporate.[149] Additionally, both are designed to: (i) help maintain the independence of CCUS's regulatory function; and (ii) facilitate the ability of CCUS to carry out its regulatory responsibilities in a manner consistent with the requirements of Section 17A(b)(3)(A), which requires a clearing agency to be so organized and have the capacity to carry out the purposes of the Exchange Act. Whether CCUS operates in compliance with the Exchange Act, however, depends on how CCUS, the LLC Member, and CGM in practice implement the governance and other

[134] *See id.*

[135] *See, e.g.,* 17 CFR 240.17ad-25(b), (c), (d), (e).

[136] *See supra* note 15 (summarizing the Commission rules applicable to registered clearing agencies).

[137] *See* Application, Exhibit E–3 (LLC Agreement), Section X(o) (''General Provisions''), at 12; 15 U.S.C. 78s(b); 17 CFR 240.19b–4.

[138] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k)(i) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities''), at 8.

[139] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k)(ii) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities''), at 8.

[140] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k)(iii) (''Management of the Company,'' ''Limitation on Exercise of Reserved Authorities''), at 8.

[141] *See* 15 U.S.C. 78s(b); 17 CFR 240.19b–4.

[142] *See* Application, Exhibit E–1–1.75 (Nominating Committee Charter) at 4.

[143] *See* Application, Exhibit E–1–1.75 (Nominating Committee Charter) at 2 (''A majority of the Directors serving on the Committee shall be Independent Directors in at least the same majority percentage as required for the Board''); *see also* 17 CFR 240.17ad-25(c)(2) (setting forth requirements for the composition of the Nominating Committee).

[144] *See* Application, Exhibit E–3 (LLC Agreement), Section V(f) (''Management of the Company,'' ''Resignation''), at 5 (''Any one or more of the Directors (i) shall automatically, without any further action by the Board or the Member, be removed from such position due to such Director's death, and (ii) *may be removed from such position, either with or without cause, by the Member*'') (emphasis added).

[145] *See* Application, Exhibit E–1–1.75 (Nominating Committee Charter) at 3.

[146] *See* Application, Exhibit E–1–1.75 (Nominating Committee Charter) at 3–4.

[147] *See supra* notes 88–91 and accompanying text.

[148] *See supra* note 101 and accompanying text.

[149] *See, e.g.,* Release Nos. 34–104146 (Sept. 30, 2025), 90 FR 47880 (Oct. 2, 2025) (order granting exchange registration of Texas Stock Exchange LLC); Release No. 34–101777 (Nov. 27, 2024), 89 FR 97092 (Dec. 6, 2024) (order granting exchange registration of 24X National Exchange LLC); Release No. 34–100539 (July 15, 2024), 89 FR 58848 (July 19, 2024) (order granting exchange registration of MIAX Sapphire, LLC).

provisions that are the subject of this Order.

With respect to its operational arrangements and capacity to facilitate prompt and accurate clearance and settlement, as generally described in Part III.A.2 above, CCUS systems and processes will enable trade submission, matching, novation, settlement and settlement fails management and will promote business continuity. CCUS's rules, policies and procedures demonstrate that CCUS has processes in place to support and oversee these clearing agency operations via its governance processes. These governance processes further demonstrate that CCUS is so organized and has the capacity to facilitate prompt and accurate clearance and settlement and to comply with the Exchange Act and rules and regulations thereunder. For example, the Application describes that CCUS may receive staffing support in the form of CCUS's officers who ''may have reporting relationships to other CGM businesses'' (*i.e.,* other CGM subsidiaries).[150] CCUS explains that ''those reporting relationship will correspond to the departments with which the officers' or employees' duties are associated.'' [151]

Additionally, the Board will oversee the Chief Risk Officer, receiving ''reports directly from the Chief Risk Officer from time to time.'' [152] Per the RiskCo Charter, the Chief Risk Officer will also provide ''regular reports'' to the RiskCo, as well as, ''as necessary, the President and the Chief Compliance Officer.'' [153] These provisions allow the Chief Risk Officer to raise and escalate any issues pertaining to risk management directly to the Board, RiskCo, and each of these officers. This level of direct access to decision makers is another way the Application demonstrates that CCUS would be so organized and have the capacity to comply with the provisions of the Exchange Act and the rules and regulations thereunder.

For the reasons discussed above, the Commission determines that CCUS is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions, to safeguard securities and funds in its custody or control or for which it is responsible, and to comply with the provisions of the Exchange Act and the rules and regulations thereunder.

B. Participation Standards

1. Statutory Standard: Section 17A(b)(3)(B)

Section 17A(b)(3)(B) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system or the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.[154] Section 3(a)(24) of the Exchange Act defines a ''participant'' with respect to a clearing agency as any person who uses a clearing agency to clear or settle securities transactions or to transfer, pledge, lend, or hypothecate securities, and further states that the term does not include a person whose only use of a clearing agency is (i) through another person who is a participant or (ii) as a pledgee of securities.[155]

2. Summary of Application

The CCUS Rules specify the entities that can become clearing members. The definition of ''clearing member'' is ''an FCM Clearing Member, a BD Clearing Member, or Direct Clearing Member. . . .'' [156] A BD clearing member is defined as a ''Person that (i) is registered as a broker dealer under Section 15(b) of the Securities Exchange Act; (ii) has completed a Clearing Member Application; and (iii) has been granted clearing privileges by Cboe Clear US specifically with respect to Securities Contracts.'' [157]

As previously discussed in Part III.A.2.a), in its Application CCUS ''acknowledges that the Rules do not at this time reference all of the categories of participants enumerated in Section 17A(b)(3)(B) of the Exchange Act.'' [158] In Exhibit J, CCUS explains that under its rules, clearing member applicants must meet financial responsibility requirements, which vary based on the nature of the applicant's business and include disqualification criteria pursuant to which it may disapprove an application if the person is subject to a statutory disqualification. To become a clearing member, an applicant must execute the Clearing Member Agreement and satisfy CCUS's eligibility criteria. As a general matter, a clearing member must consent to abide by CCUS Rules, agree that CCUS Rules are part of the terms and conditions of every contract or transaction that it may make or have with CCUS, and agree to maintain adequate controls to ensure continued satisfaction of financial and operational obligations of itself and its customers, as applicable. Currently, CCUS has established that a clearing member must be either a registered futures commission merchant (''FCM'') or a registered broker-dealer.[159] In Exhibit S, CCUS also explains that with the exception of Direct Clearing Members, clearing members eligible to clear securities products, either for their own accounts or the account of a customer, must be registered broker-dealers . . .'' [160]

As noted above, CCUS also provides in the CCUS Rules for participation by ''Direct Clearing Members.'' That is defined as an entity that is registered under the Exchange Act and submits trades for clearing at CCUS only on behalf of its own accounts, has completed a Clearing Member Agreement, and has been granted clearing privileges by CCUS. CCUS Rules provide, for the avoidance of doubt, that a Direct Clearing Member may not carry customer accounts, submit customer transactions for clearing, or otherwise facilitate access to CCUS for customers or other participants.[161] In Exhibit O, CCUS explains that Direct Clearing Members are legal entities (not individuals) that trade exclusively for their own proprietary accounts and may include proprietary trading firms, commercial firms, corporations, institutional investors, or other market participants that seek direct access to CCUS's clearing services. CCUS Rules provide that such entities must be registered either under the Exchange Act or the Commodity Exchange Act. CCUS explains that although such entities would not be registered as broker-

[150] *See* Application, Exhibit C (stating ''other employees of CGM businesses assigned to work on [CCUS]'' may also have reporting relationships to other CGM subsidiaries).

[151] *See* Application, Exhibit C.

[152] *See* Application, Exhibit E–3 (LLC Agreement), Section V(m)(ii), (''Management of the Company,'' ''Officers''), at 9.

[153] *See* Application, Exhibit E–1–94 (RiskCo Charter), at 3.

[154] Section 17A(b)(3)(B) of the Exchange Act also states that the rules of the clearing agency are subject to the provisions of Section 17A(b)(4) of the Exchange Act.

[155] 15 U.S.C. 78c(a)(24).

[156] CCUS Rules, at Rule 101(v) (''Definitions).

[157] CCUS Rules, at Rule 101(j) (''Definition'').

[158] *See* Application, Exhibit S, at 3 (*i.e.,* ''other registered clearing agencies, registered investment companies, banks, insurance companies[,] and other classes of persons designated as appropriate by the Commission''); *see also* 15 U.S.C. 78q–1(b)(3)(B).

[159] Application, Exhibit J, at 3.

[160] Application, Exhibit S, at 3.

[161] CCUS Rules, at Rule 101, mmm (''Definitions'').

dealers (under the Exchange Act) or FCMs (under the Commodity Exchange Act), such Direct Clearing Members are entities that may possess the financial resources, risk management capabilities, operational infrastructure, and organizational resilience necessary to support a direct clearing relationship. CCUS also states in Exhibit O that applicants seeking to become Direct Clearing Members would be subject to CCUS's membership review and approval process, including an evaluation of the firm's financial condition, governance, operational capabilities, risk management framework, legal authority and ability to satisfy its obligations to CCUS.

Because CCUS has not provided for all categories of participants enumerated in Section 17A(b)(3)(B) of the Exchange Act, including registered clearing agencies, registered investment companies, banks, insurance companies, or other classes of persons designated as appropriate by the Commission, CCUS is requesting temporary registration as a clearing agency and an exemption from the requirements of Section 17A(b)(3)(B) for a period of 18 months. Accordingly, the Commission is not, at this time, making a determination as to whether CCUS's Application satisfies the requirements of Section 17A(b)(3)(B) of the Exchange Act. As discussed further below in Part IV, pursuant to Rule 17Ab2–1(c), the Commission is granting CCUS's request for temporary registration with an exemption from Section 17A(b)(3)(B) of the Exchange Act for a period of 18 months.

C. Fair Representation

1. Statutory Standard: Section 17A(b)(3)(C)

Section 17A(b)(3)(C) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs.[162]

2. Summary of Application and Analysis

Under Section 17A(b)(3)(C) of the Exchange Act, the Commission considers whether the Application provides fair representation both to shareholders (or members) and to participants in the selection of directors and the administration of affairs. In doing so, the Commission undertakes an analysis of the documents in the Application that govern or otherwise affect the selection of directors by the clearing agency and the administration of its affairs. Such documents include, for example, the constitution, articles of incorporation, bylaws, rules, and written policies or procedures. Such analysis considers both qualitative and quantitative factors, including the number of board positions that a clearing agency may reserve for shareholders or to represent participants, as well as the existence of provisions in governing documents that may impede representation in the selection of directors or the administration of affairs. The Commission also considers the overall organization of the clearing agency, the nature of the products it clears, and the structure of the market it serves, including the nature of existing clearing and settlement arrangements in the market served, the existence of other clearing agencies that offer comparable services and how they are structured, and the size of the market served by the applicant, to evaluate whether the representation proposed by the applicant is consistent with the requirements of the Exchange Act.[163] Finally, because CCUS will operate the KPI Options Business in the same existing legal entity where it provides futures clearing services, the Commission considers CCUS's existing arrangements to the extent they indicate whether CCUS, as an entity, would provide fair representation to shareholders and participants of its KPI Options Business.

Under Section 3(a)(7) of the Exchange Act, the term ''director'' is defined as ''any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.'' [164] When an applicant is not organized as a corporation, the Commission assesses whether the directors under its business form are performing functions similar to the directors of a corporation. CCUS is organized as a member-managed LLC, which places control over CCUS with the LLC Member. This organizational and management structure differs from registered clearing agencies that are organized as corporations,[165] or organized as LLCs but operate as manager-managed LLCs.[166] As a result, below the Commission considers whether the role of director as set forth in CCUS's LLC Agreement is consistent with the statutory definition of director, in order to assess whether shareholders and participants have fair representation in its selection consistent with Section 17A(b)(3)(C) of the Exchange Act.

Under the proposed LLC Agreement, CCUS is managed by, and with some decisions regarding CCUS reserved to, the LLC Member. The LLC Member has delegated its authority over the business and affairs of CCUS to the Board, but as described in Part III.A.3 above regarding the Applicant's organization, the LLC Agreement makes the Board's exercise of many business decisions contingent upon the sole written approval of the Member. However, the LLC Agreement makes clear that, ''[f]or purposes of the Exchange Act and the rules and regulations thereunder, each Director shall constitute a 'director' within the meaning of Section 3(a)(7) of the Exchange Act.'' [167] Additionally, the proposed LLC Agreement states that, ''notwithstanding anything to the contrary in [the LLC Agreement], the Member shall not exercise any consent right or other authority reserved to it under [the LLC Agreement] in a manner that: impairs the board's authority to direct the operations of [CCUS] consistent with Section 17A of the Exchange Act; denies or impairs the fair representation of participants of [CCUS] contemplated by Section 17A(b)(3)(C) of

[162] *See* 15 U.S.C. 78q–1(b)(3)(C). Section 17A(b)(3)(C) of the Exchange Act also states that the Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.

[163] Accordingly, the level of participant representation needed to ensure fair representation consistent with the Exchange Act may vary depending on the facts and circumstances, including the market or markets to which the application is directed.

[164] *See* 15 U.S.C. 78c(a)(7).

[165] *See, e.g.,* Amended and Restated By-Laws of CME Securities Clearing, Inc., dated Dec. 13, 2024, stating, ''The business and affairs of the Corporation shall be managed by or under the direction of the Board of Directors which may exercise all such powers of the Corporation except as may be otherwise prohibited by the DGCL, the Certificate of Incorporation or by these By-Laws or except to the extent delegated to a committee pursuant to the Rules or a Charter.'', available at: *https://www.sec.gov/files/cmesc-ca-1-exhibit-e-2a-2-amended-restated-bylaws-12-13-24.pdf.*

[166] *See, e.g.,* Amended and Restated Limited Liability Company Agreement of Paxos Securities Settlement Company, LLC, dated Sept. 20, 2023 (stating, ''The business and affairs of the Company will be managed, operated and controlled by or under the direction of the Board, and the Board will have, and is hereby granted, the full and complete power, authority and discretion for, on behalf of and in the name of the Company, to take such actions as it may in its sole discretion deem necessary or advisable to carry out any and all of the objectives and purposes of the Company, subject only to the terms of this Agreement.''), available at: *https://www.sec.gov/files/rules/other/pssc-form-ca-1-exhibit-e-1.pdf.*

[167] *See* Application, Exhibit E–3 (LLC Agreement), Section V(c) (''Management of the Company,'' ''Number; Election; Tenure; Compensation; Reimbursement''), at 3.

the Exchange Act; or prevents the Board from being composed or operating in a manner required by the Exchange Act or applicable SEC regulations, including Rule 17Ad-25.[168] These provisions in the LLC Agreement make clear that the Member's reserved authority would not prevent the Board from performing those functions necessary for CCUS to meet the requirements of the Exchange Act and the rules thereunder, including the requirements as to board composition and governance under Rule 17Ad-25. These above-described provisions of the proposed LLC Agreement make clear that the role of a Director on the Board is intended to perform similar functions—such as serving as the governing body, responsible for oversight—as performed by a ''director'' as defined in Section 3(a)(7) of the Exchange Act on the board of directors of an incorporated corporation.

Having concluded that the Board under the proposed LLC Agreement would perform similar functions as the board of directors of a corporation, the Commission next evaluates fair representation consistent with Section 17A(b)(3)(C) of the Exchange Act.

With respect to the fair representation of the shareholders (or members), under the proposed LLC Agreement, as described above, CCUS is managed by, with some decisions regarding CCUS reserved to, the LLC Member. The Board will consist of between three and eleven Directors. The LLC Member appoints all Directors, and also designates which Director serves as Chair of the Board. The LLC Member is also able to remove any Director with or without cause. The LLC Member's ability to retain or delegate all decision-making authority for CCUS, and to appoint and remove all Directors, demonstrates that the LLC Member has meaningful representation in the selection of directors and administration of CCUS's affairs.

With respect to fair representation of participants, CCUS's parent is the LLC Member, and under the structure set forth in the draft LLC Agreement, the Application includes no provision to make CCUS voting stock available for purchase to participants.[169] Two positions on the Board, however, are reserved for Directors who are market participants as defined and determined by the Board.[170] In defining and determining who are ''market participants'' eligible to serve as Directors, the LLC Agreement makes clear, as previously discussed that (i) ''Director'' has the same meaning as ''director'' in Section 3(a)(7) of the Exchange Act and (ii) the Member shall not exercise any consent right or other authority reserved to it under [the LLC Agreement] in a manner that: impairs the board's authority to direct the operations of [CCUS] consistent with Section 17A of the Exchange Act; denies or impairs the fair representation of participants of [CCUS] contemplated by Section 17A(b)(3)(C) of the Exchange Act; or prevents the Board from being composed or operating in a manner required by the Exchange Act or applicable SEC regulations, including Rule 17Ad-25. In addition, although the number of positions on the Board for market participants is fixed at two, currently the two participant-representatives constitute approximately 29 percent of Directors on the Board, suggesting that the Board provides representation for participant-representatives in the administration of the affairs of the clearing agency.[171]

As previously discussed, Section 17A(b)(3)(B) also requires that participants have fair representation in the selection of directors. Accordingly, it is important to consider the role of the Nominating Committee in the selection of directors. As discussed above, the Nominating Committee is constituted by a majority of Independent Directors and tasked with considering the views of participants and other relevant stakeholders regarding material developments in CCUS's risk management and operations on a recurring basis, including whether a potential nominee's appointment would reflect the range of different business strategies, models, and sizes across participants, as well as the range of customers and clients the participants serve. The Nominating Committee's composition requirement for a majority of Independent Directors (which can include participant-representatives), and requirement to consider participant views when evaluating potential candidates to serve as a Director, provides meaningful representation to participants in the selection of Directors.

Taken together, the above discussed provisions clarifying the ways in which the LLC Member's reserved authority will not interfere with Board functioning consistent with the Exchange Act, providing representation on the Board for Directors to represent market participants, and directing the Nominating Committee to consider participant viewpoints in the evaluation of all candidates for Director provide for fair representation to CCUS's participants in the selection of directors and the administration of CCUS's affairs, consistent with Section 17A(b)(3)(C) of the Exchange Act.

For the reasons discussed directly above, the Commission determines that the rules of CCUS assure fair representation in the selection of its directors and administration of its affairs consistent with Section 17A(b)(3)(C) of the Exchange Act.

D. Fees

1. Statutory Standard: Section 17A(b)(3)(D) and (E)

Section 17A(b)(3)(D) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.[172] Section 17A(b)(3)(E) of the Exchange Act states that a clearing agency shall not be registered unless the rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.[173]

2. Summary of Application and Analysis

CCUS's Application includes a fee schedule that sets forth the fees CCUS will charge as clearing fees in connection with its plans to clear Binary KPI Options listed and traded on Cboe Exchange.[174] CCUS has published a fee schedule to include a fee of $0.0002 (2

[168] *See* Application, Exhibit E–3 (LLC Agreement), Section V(k) (''Management of the Company,'' ''Limitation on Exercise of Reserve Authorities''), at 8.

[169] As such, CCUS operates in a manner that is different from some other registered clearing agencies, which are constituted of clearing member owners with the right to purchase voting stock. *Cf.* Release No. 34–104281 (Dec. 1, 2025), 90 FR 55926, 55935 (Dec. 4, 2025) (order approving registration for CME Securities Clearing, Inc.); Release No. 34–104762 (Jan. 30, 2026), 91 FR 5528, 5536 (Feb. 6, 2026) (order approving registration for the Treasury Business of ICE Clear Credit); *see also, e.g.,* Organization Certificate of the Depository Trust Company, available at *https://www.dtcc.com/legal/rules-and-procedures.*

[170] *See* Application, Exhibit E–3. For use of the term ''market participant,'' *see also* 7 U.S.C. 7a-1(c)(2)(Q) (establishing that under the core principles for DCOs set forth in the Commodity Exchange Act, each DCO registered with the CFTC is obligated to ensure that the composition of the governing board or committee of the DCO includes market participants).

[171] *See* Application, Exhibit A, dated September 23, 2026. Changes to the composition of the Board, such as to the total number of Directors or to the number of Director positions allocated to market participants, would constitute a proposed rule change under Section 19(b) of the Exchange Act subject to Commission review. *See* 15 U.S.C. 78s; 17 CFR 240.19b–4.

[172] 15 U.S.C. 78q–1(b)(3)(D).

[173] 15 U.S.C. 78q–1(b)(3)(E).

[174] Application, Exhibit E–4.

basis points) per contract.[175] CCUS's fees are publicly available on the CCUS website.[176]

As described in the Application, CCUS shall have the right to invoice clearing members and accept payment as prescribed by CCUS, or to offset any fees, charges or other amounts other than fines or penalties) due to CCUS, and shall have the right to instruct an Approved Depository Institution, if applicable, to debit the clearing member's account to offset any amounts due to CCUS.[177]

In response to the Application, one commenter noted that because CCUS sets its own fee schedule as a subsidiary of CGM, the Commission should also examine whether those fees reflect arm's length pricing.[178] In its response letter, CCUS explains that it has submitted its proposed fee schedule as Exhibit E–4 to the Application, demonstrating transparent and reasonable pricing. CCUS further states that its rules require that its fees and charges be imposed on a reasonable and nondiscriminatory basis, consistent with Section 17A(b)(3)(D), and that any CCUS fee schedule will be subject to the Commission's oversight through the rule-filing process under Section 19(b) of the Exchange Act.[179]

As CCUS describes in its response letter, the Application identifies CCUS's proposed fee schedule and the rules governing any fees that it will assess on its clearing members, as described above. With respect to allocating the fees equitably, CCUS's per contract fees are based on each clearing member's usage. With respect to the reasonableness of such fees, the per contract basis for each fee is a common approach to applying fees among registered clearing agencies to clearing members, as it enables clearing members and their customers to determine the appropriate volume of transactions to execute and submit for clearing with CCUS and, in so doing, to anticipate the precise costs they will incur for such activity. In the Commission's view, CCUS's approach provides for equitable allocation of reasonable dues, fees, and other charges amongst its participants. Accordingly, the Commission determines that the Application is consistent with Section 17A(b)(3)(D) of the Exchange Act.

Separately, any fees, dues or other charges that CCUS intends to assess must be filed as a proposed rule change pursuant to Section 19(b) of the Exchange Act and Rule 19b–4 thereunder.[180] Clearing agency fees are subject to the requirements of the Exchange Act, including Section 17A(b)(3)(D), and thus, the Commission would consider if any future fees are consistent with Section 17A(b)(3)(D) when such future fees are filed as a proposed rule change.[181]

In addition, a review of CCUS's current fee schedule of a fee of $0.0002 (2 basis points) per contract shows that CCUS does not impose any schedule of prices, or fix rates or other fees, for services rendered by its clearing members.[182] The Commission therefore determines that the Application is consistent with the requirements of Section 17A(b)(3)(E) of the Exchange Act.

E. Rules Designed To Promote Prompt and Accurate Clearance and Settlement and the Safeguarding of Securities and Funds

1. Statutory Standard: Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest. It also states that a clearing agency shall not be registered unless the Commission determines that the rules are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by the Exchange Act matters not related to the purposes of this section or the administration of the clearing agency.

2. Summary of Application and Analysis

The Commission's rules for clearing agencies provide for the safeguarding of securities and funds and promote prompt and accurate clearance and settlement by establishing specific requirements for a clearing agency's rules, policies and procedures related to operations and risk management. Specifically, these requirements address rules and procedures for the collection of margin, the composition of the guaranty fund, default management and loss allocation, and the management of other risks associated with the custody, clearing, and settlement of securities.[183] To analyze under Section 17A(b)(3)(F) of the Exchange Act an application seeking to provide CCP services, the Commission considers a clearing agency's rules concerning its account structures, margin system, guaranty fund, default management, and loss allocation processes.

In the context of this Application, CCUS has requested temporary registration with an exemption from certain requirements under Section 17A(b)(3)(F) for a period of 18 months, as discussed further in Part IV. Accordingly, below the Commission analyzes the Application under Section 17A(b)(3)(F) only with respect to the rules of the clearing agency for BD Clearing Members (*i.e.,* registered broker-dealers and Direct Clearing Members, each as set forth in the CCUS Rules.

(a) Account Structure and Safeguarding of Securities and Funds

The Rules provide for several types of accounts. All funds deposited by a clearing member with CCUS on behalf of the clearing member's own account shall be held in a Member Property Account or a Market-Maker Account, as applicable.[184] All funds and assets held by CCUS on behalf of Securities Customers of a BD Clearing Member shall be maintained in a Securities Customer Account, segregated from Futures Customer Accounts and from the BD Clearing Member's proprietary

[175] *Id.; see also* CCUS, *https://www.cboe.com/solutions/clearing/us#clearing-fees.* These fees became effective on August 31, 2026.

[176] *Id.; see also* CCUS's website at *https://www.cboe.com/solutions/clearing/us#clearing-fees.*

[177] CCUS Rules, at Rule 312.

[178] PTG at 4.

[179] CCUS Response, at 5.

[180] *See* 15 U.S.C. 78s(b); 17 CFR 240.19b–4; *see also* Application, Exhibit E–4 (acknowledging its obligations to submit changes to fees for regulatory approval through publicly available filings).

[181] 15 U.S.C. 78q–1(b)(3)(D); *see also* 15 U.S.C. 78s(b) (requiring proposed rule changes to be filed by the Commission, which shall publish notice thereof and give interest persons an opportunity to respond). Some proposed rule changes regarding dues, fees, or charges take effect upon filing. *See* 15 U.S.C. 78s(b)(3)(A)(ii); *see also* 15 U.S.C. 78s(b)(3)(C) (specifying when the Commission may temporarily suspend the immediate effectiveness of such filings).

[182] *See* Application, Exhibit E–4.

[183] *See* 17 CFR 240.17ad–22(e)(4), (e)(6), (e)(13), (23)(ii); 240.17ad–26.

[184] CCUS Rules, at Rule 309(e).

accounts.[185] All funds and assets held by CCUS in a PAB Account will be segregated from funds and assets held in Customer Accounts, Member Property Accounts, and Market Maker Accounts and will be treated as belonging to the carried broker-dealer.[186] Each clearing member shall establish and maintain account(s), including any customer segregated accounts, at an Approved Depository Institution for the payment of Initial Margin, Variation Margin, and any other Obligations due to the CCUS pursuant to the Rules.[187]

Guaranty Fund Deposits must be made in cash and will be held in a settlement bank approved for the purpose by CCUS.[188]

(b) Margin System

According to the Rules, each clearing member shall deposit Initial Margin in the quantity not less than the applicable Initial Margin Requirement as determined by CCUS at the times prescribed by CCUS.[189] The Rules also require each clearing member to establish Initial Margin Requirements for its Customers at a level that is not less than 100% of CCUS's Initial Margin Requirements with respect to each product and portfolio and commensurate with the risk presented by each customer account and in such amount as is communicated by CCUS from time to time.[190]

(c) Guaranty Fund

The Rules provide that CCUS will establish and maintain a Guaranty Fund to collateralize financial exposures.[191] The Guaranty Fund is comprised of Guaranty Fund Deposits by clearing members to satisfy any Guaranty Fund Requirements and has two components: a Minimum Guaranty Fund Requirement and an Exposure-Based Guaranty Fund Requirement.[192] clearing members must satisfy a Minimum Guaranty Fund Requirement of $100,000.00 per clearing member.[193] Clearing members will be required to meet the Exposure-Based Guaranty Fund Requirement if the CCUS's Default Financial Resources Requirement exceeds the Corporate Contribution amount plus the total combined Minimum Guaranty Fund Requirement provided by all clearing members.[194] The Default Financial Resources Requirement is the amount of financial resources required to enable CCUS to meet its obligations to clearing members notwithstanding the default of the two clearing members, including any affiliates, generating the largest financial exposures for CCUS in extreme but plausible market conditions.[195]

(d) Default Management and Loss Allocation

In the Rules, the ''Default Management Plan'' is the plan set forth by CCUS for the management of a Clearing Member Default.[196] If a clearing member is in Default, Collateral held with respect to such clearing member's Member Property Accounts or Market-Maker Accounts, and any other of such Clearing Member's assets held by, pledged to or otherwise available CCUS, may be applied to discharge the Obligations of such clearing member to CCUS.[197] The Rules further state Guaranty Funds Deposits from a Defaulting Clearing Member will be applied to mitigate the Default Loss prior to applying CCUS capital contributed as Default Financial Resources.[198] If all Collateral from a clearing member in Default is insufficient to cover Default Losses caused by that clearing member, then CCUS capital contributed as Default Financial Resources will be used in its entirety before applying any Guaranty Fund Deposits from non-Defaulting Clearing Members.[199] Assessments on clearing members to replenish the Guaranty Fund shall not exceed the thresholds set forth in the Default Management Plan.[200]

The Rules state that CCUS may use Default Financial Resources to fund Non-Default Losses, which are defined as ''a Clearing Member's collateral losses due to the failure or insolvency of an Approved Depository Institution.'' [201] Non-Default Losses will be funded proportionately by CCUS's current corporation contribution and the Clearing Member Guaranty Fund Deposits, pursuant to the Default Management Plan.[202]

(e) Conclusion

With respect to its rules as applied to BD Clearing Members, the Application describes a comprehensive risk management framework consistent with Commission rules that help ensure CCUS will collect sufficient margin to cover its exposures, maintain an appropriately sized Guaranty Fund, and be able to manage a default and allocate losses appropriately, if or when needed. CCUS's risk management framework is designed to address the particular features of CCUS's proposed structure, *i.e.,* to manage the risks presented by BD Clearing Members and Direct Clearing Members submitting Binary KPI Options for clearing. For these reasons and as discussed in more detail above in Parts III.E.2.a) through d), the Commission determines that CCUS Rules as to the BD Clearing Members and Direct Clearing Members are designed to promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible, and protect investors and the public interest as set forth in Section 17A(b)(3)(F) of the Exchange Act. The Commission also determines that CCUS Rules as to the BD Clearing Members and Direct Clearing Members do not regulate by virtue of any authority conferred by the Exchange Act matters not related to the purposes of Section 17A of the Exchange Act or the administration of the clearing agency.

The Commission is not, at this time, making a determination regarding the CCUS Rules under Section 17A(b)(3)(F) of the Exchange Act for the types of participants set forth in the Exchange Act other than registered broker-dealers—namely, clearing agencies, registered investment companies, banks, or insurance companies. Because the Application does not address the other types of participants, the Commission is not, at this time, making a determination as to whether CCUS Rules foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, or remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. The Commission also is not, at this time, making a determination that CCUS Rules are not designed to permit unfair discrimination in the admission of

[185] CCUS Rules, at Rule 309(e).
[186] CCUS Rules, at Rule 309(f).
[187] CCUS Rules, at Rule 405(a)
[188] CCUS Rules, at Rule 505(c), (d).
[189] CCUS Rules, at Rule 403(c).
[190] CCUS Rules, at Rule 403(a).
[191] CCUS Rules, at Rule 504(a).
[192] CCUS Rules, at Rule 504(b).
[193] CCUS Rules, at Rule 504(c).
[194] CCUS Rules, at Rule 504(d).
[195] CCUS Rules, at Rule 101(hh).
[196] CCUS Rules, at Rule 101(kk); *see also* CCUS Default Management Plan, available at *https://cdn.cboe.com/resources/membership/CCUS-Default-Management-Plan.pdf.*
[197] CCUS Rules, at Rule 502(c).
[198] CCUS Rules, at Rule 504(e).
[199] CCUS Rules, at Rule 504(g).
[200] CCUS Rules, at Rule 507. ''Assessment Amount'' is defined as ''the total assessment amount levied by [CCUS] at a single time upon all Clearing Members in order for [CCUS] to maintain an adequate Guaranty Fund.'' CCUS Rules, at Rule 101(f).
[201] CCUS Rules, at Rules 504(h), 101(jjj).
[202] CCUS Rules, at Rule 504(h).

participants or among participants in the use of the clearing agency. As discussed further below in Part IV, pursuant to Rule 17Ab2–1(c), the Commission is granting CCUS's request for temporary registration with an exemption from requirements of Section 17A(b)(3)(F) of the Exchange Act for a period of 18 months.

F. Participant Discipline

1. Statutory Standard and Analysis: Section 17A(b)(3)(G)

Section 17A(b)(3)(G) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to Sections 17(d) or 19(g)(2) of the Exchange Act) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

With respect to discipline and sanctions, the CCUS Rules provide that CCUS can restrict, suspend, or terminate clearing privileges and fine clearing members. Under CCUS Rule 607(a), CCUS states it has the authority to take any actions it deems in the best interest of CCUS or the clearing members.[203] CCUS Rule 607(b) and (c) further state that CCUS shall have the power to suspend or revoke clearing privileges or authorize the assessment of fines or charges against clearing members for engaging in conduct inconsistent with just and equitable principles of trade or engaging in acts detrimental to the interest or welfare of CCUS.[204]

Specifically, CCUS Rule 601(a) provides situations under which CCUS may summarily suspend any clearing member, including default, statutory disqualification, failing to meeting clearing member eligibility, the discovery of false or misleading representations made by the clearing member, breach or material violation of the CCUS Rules, or if CCUS determines that suspension is necessary for the protection of CCUS, clearing members, customers, or the general public.[205] Additionally, CCUS Rule 606 lays out the circumstances in which CCUS can restrict or terminate clearing privileges.[206]

CCUS also has the power to assess fines against clearing members that fail to make timely and accurate submission to CCUS of notices, report, or other information required under the CCUS Rules.[207] Under CCUS Rule 604(a), CCUS may publish a schedule of fines for clearing members that fail to make timely and accurate submissions to CCUS of notices, reports, or other information required under the CCUS Rules and other minor violations of the CCUS Rules.[208]

CCUS has procedures for enforcing rules and disciplining clearing members that are consistent with the requirements of the Exchange Act. The CCUS Rules provide CCUS with authority to discipline clearing members for rule violations and to impose each of the sanctions enumerated in the Exchange Act. Accordingly, the Commission determines that the CCUS Rules provide that CCUS's clearing members shall be appropriately disciplined for violation of any provision of the rules consistent with the requirements of Section 17A(b)(3)(G) of the Exchange Act.

2. Statutory Standard and Analysis: Section 17A(b)(3)(H)

Section 17A(b)(3)(H) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any persons 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.[209]

(a) Application for Participation

When a participant application is submitted to CCUS, CCUS states it shall have the sole discretion to determine whether any applicant meets the clearing privileges qualifications as detailed in Rule 301 under the CCUS Rules, and CCUS shall disapprove an application and deny the grant of clearing member status where an applicant has failed to meet any requirements.[210] Additionally, CCUS states it shall have no liability to any applicant who is denied clearing member status.[211]

Upon completion of the application process, CCUS states it shall determine whether to approve or disapprove the application and will promptly give the applicant written notice of the decision. If CCUS denies an application to become a clearing member, CCUS shall give the applicant notice of its decision, setting forth the grounds for the denial, and notes that the decision shall be the final action of CCUS. Any applicant to become a clearing member who has been denied clearing privileges pursuant to this Rule 302 shall not be eligible for re-application during the six months immediately following such denial.[212] Under CCUS Rules, Rule 301 further states that the notification of the written decision can be delayed if for example an applicant is the subject of an inquiry, investigation, or proceeding conducted by an SRO or governmental authority that involves the applicant's fitness to be a clearing member and CCUS will defer acting on the application until the matter is resolved.[213]

(b) Clearing Member Discipline

Once an entity is a participant, CCUS Rules outline the process CCUS will follow when imposing sanctions on clearing members. CCUS Rule 608 outlines the authority of the Chief Compliance Officer, the Compliance Department, the Chief Regulatory Officer and the Regulatory Division. The Chief Compliance Officer and the Compliance Department will be assisted by the Chief Regulatory Officer and the Regulatory Division, with respect to disciplinary proceedings.[214] Under the direction of the Chief Regulatory Officer, the Regulatory Division will determine the nature and scope of CCUS's inquiries and investigations and will perform its regulatory functions, including conducting disciplinary proceedings. The Regulatory Division will have the authority to: (i) initiate inquiries; (ii) request that participants appear for an interview, which may be conducted under oath; (iii) request documents and/or other tangible evidence; (iv) review other transaction activity; (v) gather any additional information the Compliance Department it deems necessary; (vi) prepare investigative reports, make determinations as to whether reasonable cause exists to believe that a rule violation has been committed, and make recommendations as to what charges should be brought; (vii) recommend the commencement of a disciplinary proceeding pursuant to Chapter 6 of the CCUS Rules; (viii) prosecute alleged violations of CCUS Rules; (ix) represent

[203] CCUS Rule 607(a).

[204] CCUS Rule 607(b)–(c).

[205] CCUS Rule 601(a).

[206] CCUS Rule 606(a).

[207] CCUS Rule 604(a)–(b).

[208] CCUS Rule 604(a).

[209] Section 17A(b)(3)(H) of the Exchange Act also states that the rules of the clearing agency must be in accordance with the provisions of Section 17A(b)(5) of the Exchange Act.

[210] CCUS Rules, at Rule 302(b).

[211] CCUS Rules, at Rule 301(b).

[212] CCUS Rules, at Rule 302(e).

[213] CCUS Rules, at Rule 302(c).

[214] CCUS Rules, at Rule 608(a).

the Regulatory Division before the Business Conduct Committee during the phases of the disciplinary process consisting of settlement offers and hearings; (x) issue and serve statements of charges on clearing members; (xi) review denials of access to CCUS for disciplinary reasons; and (xii) issue appearance and document requests as provided in CCUS Rules.[215]

If CCUS decides to impose a suspension on a clearing member, CCUS Rules require CCUS to send a notice to the clearing member that will state in general terms how pending transactions, open positions, and other pending matters will be affected and what steps are to be taken.[216]

If a clearing member defaults under CCUS Rules,[217] receives a suspension, or CCUS determines that the financial or operational condition of a clearing member could adversely affect CCUS or cleared markets, CCUS may take certain action to restrict or terminate clearing privileges.[218] Additionally, CCUS may also impose protective measures related to a clearing member's clearing activity such as increasing initial margin requirements, prohibiting excess margin withdraws, imposing additional capital, margin, financial reporting or other requirements, or ''take any other actions it deems proper or in the best interest'' of CCUS or its clearing members.[219]

If CCUS imposes a fine against a clearing member which is included in the schedule of fines, CCUS will give notice for such fines to the clearing member that specifies (1) the rule(s) violated; (2) the act or omission constituting each such violation; (3) the fine imposed for each violation; and (4) the date by which such determination becomes final and such fine must be paid or contested as provided below, which date shall be not less than 30 days after the date of service of such written statement.[220] The maximum fine imposed on the schedule of fines shall not exceed $5,000 per violation.[221]

(c) Hearing and Appeals Process

Under CCUS Rules, applicants who have been denied approval to become a clearing member and clearing members who have received a sanction including fines, suspensions, and restrictions or terminations of clearing member services may appeal such decisions. For appeals of fines under CCUS Rule 604, a clearing member may appeal the fine in writing to CCUS. The matter will then be referred to the Chief Regulatory Officer and the Regulatory Division and will be subject to review by the Business Conduct Committee (''BCC'') Panel.[222]

For appeals of disciplinary actions under CCUS Rule 603(a), the clearing member has 15 days to submit a petition for review to which CCUS has an opportunity to respond and then the clearing member has the opportunity submit a final reply.[223] The review will be conducted by the Board or a committee of the Board composed of at least three directors whose decision must be ratified by the Board.[224] Any Director who participated in the matter before the BCC Panel or other committee may not participate in any review of that matter by the Board.[225] The review shall be based solely on the record including the petition for review and any subsequent responses, unless the introduction of new information is allowed by the Board.[226] The Board may affirm, reverse or modify, in whole or in part, the decision of the BCC Panel in a written final decision.[227] Additionally, the Board may initiate a review of a decision made by the BCC Panel and such review will follow the procedures outlined in this paragraph.[228]

For appeals of application denials, suspensions, or restrictions or terminations of clearing member services, the aggrieved party must file an application for review within 30 days of the notice of action.[229] If they party needs additional time to produce the application for review, they can submit an application for the extension of time which will be decided by the Chairman of the Appeals Committee and shall be final.[230]

The CCUS Appeals Committee that is responsible for the review of such appeals will be appointed by the Chairman of the Board of Directors with the approval of the Board on an annual basis as well as when there are changes to the composition of the committee during the year.[231] Members of the appeals committee serve a one-year term until the next annual reappointment of the committee, or the individual resigns or is removed by the Board.[232] Once a application for a hearing is sent to the Appeals Committee, it will appoint a hearing panel of no less than three persons.[233]

All relevant materials for the hearing will be provided to the parties at least 72 hours prior to the date of the hearing.[234] The applicant is entitled to be represented by counsel at the hearing.[235] Each of the parties will be permitted to make an opening statement, present witnesses and documentary evidence, cross- examine opposing witnesses and present closing arguments orally or in writing as determined by the panel.[236] The panel will also have the right to question all parties and witnesses to the hearing.[237] The panel's decision will be made in writing and will include the reasons supporting the conclusions of the panel.[238]

The decision of the panel of the Appeals Committee can be subject to review by the Board either on its own motion within 30 days after issuance, upon written request submitted by the applicant, by the President of CCUS or by the Chairman of the committee whose action was subject to the prior review of the Appeals Committee, within 15 days after issuance of the decision.[239] The petition must be in writing and specify the findings and conclusions to which exceptions are taken together with the reasons for such

[215] CCUS Rules, at Rule 608(a). *See also,* CCUS Rules at Rule 603. CCUS further states it will refer to the Chief Regulatory Officer and the Regulatory Division for appropriate action, as determined based on the nature of the conduct including: (i) a violation by a clearing member of the CEA, CFTC Regulations, the Exchange Act, SEC Regulations, or CCUS Rules; (ii) any neglect or refusal by a clearing member to comply with any applicable order or direction of CCUS; (iii) any error, delay or other conduct by a clearing member that materially and adversely affects the operations of CCUS; (iv) a failure of a clearing member to provide adequate personnel or facilities, including the supervision for its transactions cleared with CCUS.

[216] CCUS Rules, at Rule 601(b) *et seq.*

[217] The rule outlines default as being in accordance with CCUS Rules 502(a) and 601(a).

[218] CCUS Rules, at Rule 606(a).

[219] CCUS Rules, at Rule 606(c).

[220] CCUS Rules, at Rule 604(b).

[221] CCUS Rules, at Rule 604(c).

[222] CCUS Rules, at Rule 604(d). See also CCUS Rules, at 604(e) stating that the BCC Panel may impose one or more of the disciplinary sanctions authorized by CCUS if it finds the clearing member violated the CCUS Rules.

[223] CCUS Rules, at Rule 901(a).

[224] CCUS Rules, at Rule 901(b).

[225] *Id.*

[226] *Id.* New issues can be raised by the Board and the other party will be allowed to address such new issues.

[227] *Id.*

[228] CCUS Rules, at Rule 901(c).

[229] CCUS Rules, at Rule 902(c)(i); *see also* CCUS Rules, at Rule 602(a). CCUS further states in the rule, that the request for a hearing does not ''impair the validity or stay the effect of the suspension upon which the request for hearing is made.'' In addition, CCUS states that the reversal of a suspension will not invalidate acts CCUS has taken prior to the reversal or modification of the suspension.

[230] CCUS Rules, at Rule 902(c)(ii).

[231] CCUS Rules, at Rule 203(g).

[232] *Id.*

[233] CCUS Rules, at Rule 902(d)(i).

[234] CCUS Rules, at Rule 902(d)(ii).

[235] CCUS Rules, at Rule 902(f)(ii).

[236] CCUS Rules, at Rule 902(f)(iv).

[237] *Id.*

[238] CCUS Rules, at Rule 902(f)(v).

[239] CCUS Rules, at Rule 902(g)(i). The Commission notes that there are two subsections marked (g) in this rule.

exceptions.[240] Parties may petition to submit a written argument to the Board and may request an opportunity to make an oral argument before the Board. The Board, or a committee of the Board, will have sole discretion to grant or deny either request.[241]

As described above, the CCUS Rules address the discipline of clearing members, denial of applications, and prohibitions or limitations imposed by the clearing agency with respect to access to services offered by the clearing agency. CCUS has established rules and procedures that describe in detail the process taken by CCUS both when reviewing applications to become clearing members and when disciplining existing clearing members. The CCUS Rules ensure that written notification with reasoning is provided to any applicant whose application has been denied and to any clearing member who is being sanctioned for a violation of the CCUS Rules. Once the appropriate notification is provided, the affected party is afforded an opportunity to appeal the denial or sanction by requesting a hearing at which the affected party may be represented by counsel. The Commission therefore determines that the CCUS Rules provide a fair procedure consistent with Section 17A(b)(3)(H) of the Exchange Act.

G. Burden on Competition

1. Statutory Standard: Section 17A(b)(3)(I)

Section 17A(b)(3)(I) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. In addition, Section 17A(a)(2) of the Exchange Act directs the Commission, having due regard for the maintenance of fair competition among brokers, dealers, clearing agencies, and transfer agents, to use its authority under the Exchange Act to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (''National System'') and to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions in securities.[242]

2. Summary of Application and Analysis

As described throughout this order, CCUS proposes to operate a registered clearing agency that provides CCP services for binary options that are securities. In assessing whether the rules of a clearing agency impose or do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act under Section 17A(b)(3)(I) of the Exchange Act, the Commission considers the impact of the Applicant's rules on competition among brokers, dealers, clearing agencies, and transfer agents, and on competition between the Applicant and these entities.[243] Where there is a burden on competition, the Commission must determine if that burden is necessary or appropriate consistent with the determination required by Section 17A(b)(3)(I) of the Exchange Act.[244]

In the context of impacts on competition among clearing agencies, one commenter—while generally supportive of CCUS's request for temporary registration as a time-limited bridge that allows innovative, investor-protective products to reach the market—is ''fully opposed'' to CCUS becoming a ''permanent fixture'' of the listed options market, as a second, fully registered clearing agency alongside the Options Clearing Corporation (''OCC'').[245] While acknowledging that its concern is ''structural rather than a comment on [CCUS's] present intentions,'' the commenter opposes adding to the National System for Clearance and Settlement a ''vertically integrated clearing structure'' such as characterizes the U.S. futures market, where, as the commenter describes, each major exchange group operates its own clearinghouse.[246] The commenter supports instead a central, industry utility clearing model, of the kind OCC has provided for listed options as a registered clearing agency.

The commenter states that the Commission should consider the broader market structure implications of this Application before granting permanent registration, explaining its view that a vertically integrated ''monopolistic market structure ''is the kind of structure Section 17A of the Exchange Act was designed to avoid.[247] The commenter explains that the pool of firms capable of serving as clearing members in the listed options market is limited due to the substantial capital, operational, and risk management infrastructure that clearing membership requires. In the commenter's view, a more fragmented structure with multiple clearing agencies would add to the costs of clearing membership among this limited group—and therefore the associated costs borne by market participants as their clients—through the potential for higher clearing fees, capital inefficiencies that result from holding positions that could offset but for multiple clearing agencies, and the loss of portfolio margining benefits.[248] The commenter also argues that, in addition to increased costs, an additional clearing agency introduces structural risk into the market ecosystem for listed options. The commenter states that the structural change associated with a second clearing agency will require routing new product categories through less proven exchange-affiliated clearing agencies rather than an industry utility. Nonetheless, the commenter explains that its members are ''frustrated with OCC's pace of innovation'' and that OCC is unable to currently provide clearing services for Binary KPI Options.[249] The commenter also acknowledges that the binary options to be cleared by CCUS have a comparatively simple risk profile relative to conventional options, which may mitigate the potential for procyclicality, wrong-way risk, model risk, and concentration risk.[250]

The Commission acknowledges PTG's comments as outlined above. Currently pending before the Commission however, is an application for temporary registration. PTG's points relate to permanent registration and therefore are more appropriately addressed in any future Commission order related to permanent registration. That said, the risks and costs associated with changes to the structure of the listed options market will be evaluated during the period of CCUS's temporary registration by the Commission and market participants alike.

CCUS's clearing model and its ability to quickly bring to market clearing services for innovative product types for which there is market demand supports both innovation and competition in the market for clearing services, consistent

[240] *Id.*

[241] *Id.*

[242] 15 U.S.C. 78q–1(a)(2).

[243] *See, e.g.,* GSCC Order, 53 FR at 19845.

[244] *See Bradford Nat'l Clearing Corp.* v. *S.E.C.,* 590 F.2d 1085 (D.C. Cir. 1978) (explaining that Congress intended to give the Commission ''exceptionally broad powers'' to determine the precise structure of the National System and placed ''slightly more emphasis on rapid development and national availability'' with respect to the National System than the national market system).

[245] PTG at 2.

[246] PTG at 3.

[247] *Id.*

[248] *Id.* at 2.

[249] *Id.*

[250] PTG. at 2.

with the purposes of Section 17A of the Exchange Act. And, more broadly, CCUS's Application does not impose any burden not necessary or appropriate in furtherance of the purposes of the Exchange Act. As CCUS states, its clearing infrastructure ''has been built specifically with open-access clearing top of mind,'' and CCUS intends to pursue cross-margining arrangements that may benefit investors and citing the experience of its European affiliate.[251] The Commission, has long viewed cross-margining arrangements between separately registered clearing agencies as a well-established mechanism for achieving margin efficiencies and facilitating the purposes of Section 17A of the Exchange Act. In other markets including the U.S. Treasury market, the Commission has approved applications for registration by new clearing agencies to help bring innovative products to market that serve investors and the public interest. The Commission agrees, as CCUS contends, that new clearing agencies, structured consistently with the requirements of Section 17A and Commission rules thereunder, can bring enhancements to market resilience by expanding access to central clearing and promoting effective risk management.[252]

Accordingly, for the reasons discussed above, and based on the facts and circumstances presented by this Application, the Commission determines, pursuant to Section 17A(b)(3)(I) of the Exchange Act, that the Application does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 17A of the Exchange Act.[253]

IV. Temporary Registration and Exemption

CCUS has requested, pursuant to Rule 17Ab2–1(c), that the Commission grant CCUS temporary registration as a clearing agency with an exemption from certain requirements as to which the Commission is directed to make a determination under Sections 17A(b)(3)(B) and (F) of the Exchange Act for a period of 18 months.[254] With respect to Section 17A(b)(3)(B), as discussed in Part III.B.2, CCUS has not provided in its Application for participation standards addressing all categories of participants enumerated in Section 17A(b)(3)(B) of the Exchange Act, including registered clearing agencies, registered investment companies, banks, insurance companies, or other classes of persons designated as appropriate by the Commission. Relatedly, as discussed in Part III.E.2, CCUS has not provided CCUS Rules under Section 17A(b)(3)(F) of the Exchange Act addressing these same categories of participants. For the reasons discussed below, pursuant to Section 17A(b) of the Exchange Act and Rule 17Ab2–1(c) thereunder, the Commission is granting CCUS's request for temporary registration as a clearing agency and finds that an exemption from the above-described requirements of Sections 17A(b)(3)(B) and (F) of the Exchange Act is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.[255]

CCUS explains that its request for temporary registration would enable CCUS to meet market demand for Binary KPI Options in a regulated securities trading environment while other securities clearing agencies are not prepared or able to provide clearing agency services for these products. In its request, CCUS explains that its Application would not affect existing standardized securities options products traded on national securities exchanges and cleared by OCC, and that CCUS and its affiliates have a long history of close, successful, and productive relationships with other option exchanges and OCC. One commenter also expressed support for CCUS's request for temporary registration, as previously discussed in Part III.G.2, because it would serve as a ''time-limited bridge'' that allows innovative products to reach the market sooner than would be possible through the existing registered clearing agency that serves the listed options market.[256]

CCUS states that not establishing participation standards for these other categories of participants listed in Section 17A(b)(3)(B) is appropriate, citing ''the nature of the product, the categories of market participants who have indicated an interest in clearing Binary KPI Options, CCUS's risk management and liquidity framework, the broker-dealer customer protection framework and other factors.'' [257] In Exhibit S, CCUS explains that it would be prepared to consider the feasibility and appropriateness of the other types of participants enumerated in Section 17A(b)(3)(B) during the period of its temporary registration,[258] and reiterates in its response letter that it would demonstrate compliance with all applicable clearing agency requirements within 18 months of its approval for temporary registration.[259]

With respect to these requests for exemptive relief from Section 17A(b)(3)(B) and (F) of the Exchange Act, made in connection with its request for temporary registration, the Commission finds such relief is consistent with the public interest, the protection of investors, and the purposes of Section 17A of the Exchange Act for two reasons. First, providing clearing services only to BD Clearing Members is an appropriate, and incremental step, for bringing to the securities market Binary KPI Options. The Application establishes a comprehensive framework for the management of risk surrounding binary options that are securities, and commenters agree Second, CCUS has represented that it will consider including other entities during the period of temporary registration. Providing relief from Section 17A(b)(3)(B), which the Commission has granted before, allows prospective clearing agencies to develop their participation standards on an incremental basis because the financial and operational membership standards for such market participants depends, in part, on the extent and manner in which the clearing agency allocates losses resulting from member defaults, and the development of such participation standards will inform the overall risk profile and risk management framework of the registered clearing agency.[260] In the absence of such participation standards, the Commission cannot assess under Section 17A(b)(3)(F) whether clearing agency rules implementing participation standards for the categories of participants enumerated in Section 17A(b)(3)(B) are designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds.[261] Further, in the absence of such participation standards and associated rules, the Commission cannot assess whether the CCUS Rules foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions,

[251] CCUS Response at 4.

[252] *Id.*

[253] 15 U.S.C. 78q–1(b)(3)(I).

[254] *See* Application, Exhibit S, at 3–4.

[255] *See* 15 U.S.C. 78q–1(b)(1).

[256] PTG at 2.

[257] *See* Application, Exhibit S, at 3–4.

[258] *See id.* at 4.

[259] CCUS Response at 1.

[260] *See* GSCC Order, *supra* note 17, at 19843.

[261] *See* 15 U.S.C. 78q–1(b)(3)(F); 15 U.S.C. 78q–1(b)(3)(B).

and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency because these requirements are primarily directed to assessing how the Application addresses the different categories of participation in its rules.[262] Accordingly, assessment of these provisions of Section 17A(b)(3)(F) requires that CCUS Rules incorporate the other enumerated categories of participants. With respect to the participation categories provided (*i.e.,* BD Clearing Members and Direct Clearing Members), the Commission has assessed and found that CCUS Rules do promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds. In so doing, the Application and CCUS Rules demonstrate consistency with the purposes of Section 17A of the Exchange Act (including the protection of investors and the public interest). Therefore, the Commission is providing exemptive relief from requirements under Section 17A(b)(3)(F) on a temporary basis to enable CCUS time to develop its rules, policies, and procedures as to the other participation categories enumerated and ensure such rules, policies and procedures are consistent with the requirements of Section 17A(b)(3)(F). Temporary relief is appropriate and consistent with the public interest and the protection of investors because existing CCUS Rules, as applied to BD Clearing Members and Direct Clearing Members, are consistent with promoting the prompt and accurate clearance and settlement of securities transactions and the safeguarding of funds and securities.[263] Specifically, the reasons discussed in Part III.E.2, CCUS rules provide a comprehensive risk management framework for BD Clearing Members and Direct Clearing Members consistent with the purposes of Section 17A of the Exchange Act. Granting exemptive relief from this provision permits CCUS to operate on a temporary basis with respect to BD Clearing Members and Direct Clearing Members, is in the public interest and consistent with the protection of investors because it enables CCUS to evaluate its risk management framework as to registered broker-dealers and participants that meet the definition of Direct Clearing Members while it considers how best to incorporate the other categories of participants enumerated in Section 17A(b)(3)(B) and whether its risk management standards need to be adjusted to account for the way the other categories might interact with the clearing agency and the risks they would bring via their participation.

Furthermore, such exemptive relief is consistent with the public interest, the protection of investors and purposes of 17A because while CCUS operates under temporary registration, CCUS must continue to satisfy its obligations under Rule 17Ab2–1 and Form CA–1, including submission of any amendments to its Form CA–1 application. As a registered clearing agency and self-regulatory organization, CCUS also will be obligated to file changes to its rules, policies, and procedures pursuant to Section 19(b) and Rule 19b–4 under the Exchange Act.[264] CCUS also would be subject to recordkeeping requirements, Commission supervision as a registered clearing agency, and examinations under the Exchange Act.

For the reasons described above, the Commission is granting CCUS's request for temporary registration with an exemption from the requirements of Section 17A(b)(3)(B) and (F) described above for a period of 18 months from the date of this order.[265]

V. Conclusion

For the reasons discussed above, pursuant to Section 17A(b) of the Exchange Act and Rule 17Ab2–1(c) thereunder, the Commission is exempting CCUS from certain of the requirements of Section 17A(b)(3)(B) and (F) as described in this order and has determined that CCUS's Application otherwise satisfies the requirements of Section 17A of the Exchange Act and the rules and regulations thereunder. Accordingly, the Commission is granting CCUS's request for temporary registration for a period of 18 months.[266]

It is therefore ordered, pursuant to Sections 17A and 19(a) of the Exchange Act and Rule 17Ab2–1(c) thereunder, that the application for temporary registration as a clearing agency filed by Cboe Clear U.S., LLC (File No. 600–47) be, and hereby is, *approved,* and that CCUS is granted exemptions from certain of the requirements in Section 17A(b)(3)(B) and (F) of the Exchange Act for the reasons described in this order and subject to the terms and other qualifications set forth in the Application, to be effective for not more than 18 months from the date of this order.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–21845 Filed 10–26–26; 8:45 am]

BILLING CODE 8011–01–P

[262] *See* 15 U.S.C. 78q–1(b)(3)(F).

[263] *See* 15 U.S.C. 78q–1(b)(1) (providing the Commission exemptive authority when an exemption are ''consistent with the public interest, the protection of investors, and the purposes of this section, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds'').

[264] *See id.; see also* 15 U.S.C. 78s.

[265] The requirements of Sections 17A(b)(3)(B) and (F) are discussed above in Part III.B and Part III.E respectively.

[266] 15 U.S.C. 78q–1(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36368; File No. 812–15994]

Nilsine Partners NP1X Fund, et al.

October 22, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Nilsine Partners NP1X Fund, Nilsine Partners, LLC, and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on February 18, 2026 and amended on July 15, 2026, and September 14, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time, on November 16, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers,

a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: R. Scott Bills, Nilsine Partners, LLC, 5675 DTC Boulevard, Suite 175, Greenwood Village, CO 80111; and David P. Hooper, Esq, Barnes & Thornburg LLP, *david.hooper@btlaw.com.*

FOR FURTHER INFORMATION CONTACT: Kris Guidroz, Senior Counsel, or Adam Large, Senior Special Counsel, at (202) 551–6720 or *IMOCC@sec.gov* (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended application, dated September 14, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–21833 Filed 10–26–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, October 29, 2026.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

(Authority: 5 U.S.C. 552b.)

Dated: October 22, 2026.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–21848 Filed 10–23–26; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21984 and #21985; WASHINGTON Disaster Number WA–20033]

Administrative Declaration of a Disaster for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative declaration of a disaster for the state of Washington dated October 22, 2026.

Incident: Eastern Washington Wildfires.

DATES: Issued on October 22, 2026.

Incident Period: July 23, 2026 through August 31, 2026.

Physical Loan Application Deadline Date: December 21, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 22, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Spokane.

Contiguous Counties:

Washington: Lincoln, Pend Oreille, Stevens, Whitman.

Idaho: Benewah, Bonner, Kootenai.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219845 and for economic injury is 219850.

The states which received an SBA Administrative declaration are Washington and Idaho.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–21859 Filed 10–26–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21981 and #21982; WEST VIRGINIA Disaster Number WV–20024]

Administrative Declaration of a Disaster for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative declaration of a disaster for the state of West Virginia dated October 21, 2026.

Incident: Severe Storm, Flooding, Landslides, and Mudslides.

DATES: Issued on October 21, 2026.

Incident Period: June 22, 2026 through June 23, 2026.

Physical Loan Application Deadline Date: December 21, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 21, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Milton Murphy, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Boone, Logan.

Contiguous Counties:

West Virginia: Kanawha, Lincoln, Mingo, Raleigh, Wyoming.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 219816 and for economic injury is 219820.

The state which received an SBA Administrative declaration is West Virginia.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–21834 Filed 10–26–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21983; MINNESOTA Disaster Number MN–20039 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Minnesota

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Economic Injury Disaster Loan (EIDL) declaration for the state of Minnesota dated October 22, 2026.

Incident: Boundary Waters Canoe Area Wilderness Wildfires.

DATES: Issued on October 22, 2026.

Incident Period: July 11, 2026 through August 11, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: July 22, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Shaquille Lewis, Office of Disaster Recovery, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cook, St. Louis.

Contiguous Counties:

Minnesota: Aitkin, Carlton, Itasca, Koochiching, Lake.

Wisconsin: Douglas.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 219830.

The states which received an EIDL declaration are Minnesota, Wisconsin.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery.

[FR Doc. 2026–21860 Filed 10–26–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 13157]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Stunning Patterns: Woven Textiles From Madagascar's Merina Kingdom'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Stunning Patterns: Woven Textiles from Madagascar's Merina Kingdom'' at The Cleveland Museum of Art, Cleveland, Ohio, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–21839 Filed 10–26–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2023–0883; Summary Notice No. 2026–29]

Petition for Exemption; Summary of Petition Received; Placer Mosquito and Vector Control District

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 16, 2026.

ADDRESSES: Send comments identified by docket number FAA–2023–0883 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marissa Tucholka, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2023–0883.

Petitioner: Placer Mosquito and Vector Control District.

Sections of 14 CFR Affected: §§ 61.3(a)(1)(i), 61.3(c)(1), 61.23(a)(2), 91.7(a), 91.119(c), 91.121, 91.151(a), 91.151(b), 91.209(a)(1), 91.403(b), 91.405(a), 91.407(a)(1), 91.409(a)(1), 91.409(a)(2), 91.417(a), 91.417(b), 137.19(c), 137.19(d), 137.19(e)(2)(ii), 137.19(e)(2)(iii), 137.19(e)(2)(v), 137.31(a), 137.31(b), 137.33(a), 137.33(b), 137.41(c), and 137.42.

Description of Relief Sought: The petitioner requests relief to operate unmanned aircraft systems weighing 55 pounds or greater for mosquito- and vector-abatement missions, utilizing reduced standoff distances from non-participating people and property, derived from the petitioner's Operations Manual buffer zone methodology.

[FR Doc. 2026–21892 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0115]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Aviation Research Grants Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of

Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 26. 2026. The collection involves information to be used to and/or is necessary for the purpose of the review, and administration of grants in accordance with applicable Government-wide, and Agency regulations, policies, and procedures.

DATES: Written comments should be submitted by November 27, 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: Monica Y. Butler by email at: *9-ANG-ARG-Grants@faa.gov*; phone: 202–267–8614.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0559.

Title: Aviation Research Grants Program.

Form Numbers: SF–272, 9550–5, SF–424, SF424a, SF–3881, SF–425.

Type of Review: Renewal.

Background: The Aviation Research Grants Program utilizes grant awards to support advanced research in areas of potential benefit to the long-term growth of civil aviation, and in areas related to the prevention of catastrophic failure of an aircraft. The objective of this program is to encourage and support innovative, advanced, and applied research and development in areas of potential benefit to the long-term growth of civil aviation. This program implements 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Federal Aviation Administration Research, Engineering and Development Authorization Act of 1990, Public Law 101–508; 49 U.S.C. 44511: Aviation research grants. Submission requirements, instructions, and a list of documentation required for applying for a grant are outlined in the Aviation Research Grant Program Notice of Funding Opportunity (NOFO) number FAA–12–01, posted on *www.grants.gov*. Eligible benefactors include colleges, universities, and non-profit research institutions.

Respondents: 100 Colleges, Universities, Non-profit research institutions.

Frequency: On occasion.

Estimated Average Burden per Response: 15 hours.

Estimated Total Annual Burden: 1,500 hours.

Issued in Washington, DC, on October 22, 2026.

Monica Y. Butler,

Grants Program Analyst, AMM–340/Federal Aviation Administration.

[FR Doc. 2026–21893 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–3466]

Commercial Driver's License: PAM Transport, Inc.; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on PAM Transport Inc.'s (PAM) application for an exemption from the requirement that a holder of a commercial learner's permit (CLP) who has successfully passed the commercial driver's license (CDL) skills test but not yet been issued CDL credentials be accompanied by a CDL holder in the front seat, while the commercial motor vehicle (CMV) is driven by the CLP holder. PAM states that the CDL holder would remain in the CMV while the CLP holder is driving, but not necessarily in the passenger seat of the vehicle. FMCSA is required by statute to publish a notice explaining each exemption request. This notice does not indicate what decision FMCSA will ultimately reach on the request. After reviewing the application, safety analyses, and public comments submitted, FMCSA will grant or deny the exemption.

DATES: Comments must be received on or before November 27, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–3466 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–2026–3466) 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. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; *richard.clemente@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–2026–3466), 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 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-2026-3466/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 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–2026–3466 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

The Agency's CDL regulations in 49 CFR 383.25(a)(1) require that a CLP holder always be accompanied by the holder of a valid CDL for the group (*e.g.,* Group A or B) and with any endorsement(s) necessary to operate the CMV. The CDL holder must be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.

Applicant's Request

PAM recruits and develops entry-level commercial drivers through partnerships with CDL training programs, including programs where training is conducted in a State other than the driver's State of domicile. The applicant seeks a 5-year exemption from the provisions in 49 CFR 383.25(a)(1) to allow CLP holders who have successfully passed a CDL skills test and are thus eligible to receive a CDL to drive a CMV without a CDL holder present in the front passenger seat of the vehicle. PAM states that the exemption, if granted, would allow the CLP holder to begin employment in a timelier manner, strengthen their newly acquired driving skills, and participate in a revenue-generating trip back to their State of domicile to obtain their CDL documents.

PAM estimates that approximately 500–700 CLP holders would operate each year under the terms of the exemption. Absent the exemption, PAM states that the driver's transition into productive employment would be delayed until the driver's State of domicile issues the CDL or the driver is sent home in a non-driving capacity. The applicant asserts that this outcome is inefficient for PAM and presents a lost employment opportunity for the driver. PAM states that the administrative waiting period results in operational inefficiencies and financial hardships for already-trained drivers, and the potential degradation of recently acquired driving skills. PAM further adds that as the trucking industry is already experiencing significant driver turnover, requiring drivers to remain idle during this period may increase attrition and discourage workforce participation.

Applicant's Equivalent Level of Safety

PAM asserts that exemption will result in a level of safety that is equivalent to, or greater than, the level of safety without the exemption, as it would limit CMV operation under the exemption to drivers who have passed the CDL skills test and therefore have demonstrated that they meet stringent qualification requirements. Before a driver may operate under the exemption, PAM would verify that the driver: (1) holds a valid CLP issued by the driver's State of domicile; (2) holds a valid State-issued driver's license from the jurisdiction that issued the CLP; (3) has successfully completed the applicable CDL skills examination and possesses evidence of this completion; (4) holds all endorsements required for the CMV being operated; (5) is medically qualified to operate the CMV; (6) is not subject to an out-of-service order or suspension of driving privileges; (7) satisfies PAM's driver qualification requirements; and (8) has a qualified CDL holder with the appropriate CDL class and endorsements physically present in the CMV while the CLP holder is operating the CMV under the exemption. PAM would also require the driver to

maintain possession of the required documentation, including a valid State driver's license, valid CLP, documentation demonstrating successful completion of the CDL skills test, and a copy of the FMCSA exemption, and ensure that these documents are accessible in the event of an inspection by authorized Federal, State, or local enforcement officials. PAM would document operations under the exemption and continuously monitor the safety performance of the CLP holder and adds that any driver who becomes ineligible under the conditions of the exemption would be immediately removed from operation under the exemption.

A copy of PAM's application for exemption is 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 PAM's application for an exemption from the requirement that a CLP holder be accompanied by a CDL holder with the proper CDL class seated in the front seat while the CLP holder operates the CMV. 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. 2026–21906 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1717]

Notice of Intent To Establish a Negotiated Rulemaking Advisory Committee for Tire Safety; Request for Comments and Solicitation of Nominations for Membership

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

ACTION: Notice of intent to establish a Negotiated Rulemaking Advisory Committee for Tire Safety; request for comments; solicitation of nominations for membership.

SUMMARY: NHTSA announces its intent to form a Negotiated Rulemaking Advisory Committee for Tire Safety. The committee will advise the Secretary on tire safety matters through a negotiated rulemaking process. The committee will terminate when its stated objectives have been accomplished (*i.e.,* the committee submits its recommendations to the Secretary) or upon the expiration of a period not to exceed two years, unless the charter is renewed by the Secretary. This notice seeks public comment on the proposed establishment of this committee and its proposed membership. This notice also requests nominations for membership on the committee.

DATES: Comments on the intent to establish the committee and the proposed membership must be received by November 27, 2026. Applications for membership must be received by NHTSA on or before 5 p.m. ET November 27, 2026.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

If you wish to apply for membership, your application should be submitted to: *Email: tiresfac@dot.gov. Mail: Use overnight mail only and send to:* U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Rulemaking, Attn: Negotiated Rulemaking Committee for Tire Safety, 1200 New Jersey Avenue SE, Washington, DC 20590. The committee charter can be found in the docket to this notice.

FOR FURTHER INFORMATION CONTACT: For committee-related issues, please contact Hisham Mohamed, Chief, Vehicle Dynamics Division, Office of Crash Avoidance, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: *hisham.mohamed@dot.gov.* For legal questions, please contact Ella Hood, Attorney-Advisory, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: *ella.hood@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: NHTSA announces its intent to establish a Negotiated Rulemaking Committee for Tire Safety in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561, *et seq.* and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. ch. 10. In a negotiated rulemaking, an agency invites representatives of interested parties likely to be significantly affected by a regulation to work with each other and the agency on an advisory committee to seek to reach consensus recommendations on the appropriate resolution of the issues before the committee. If a consensus is reached, the Department will issue a proposed rule consistent with that consensus for public comment under established rulemaking procedures.

This committee would be formed to assist NHTSA, an operating administration of the Department, with the development of consensus recommendations to inform a rulemaking proposal to modernize existing tire requirements and test procedures under the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30101 *et seq.*) and the Transportation Recall Enhancement, Accountability, and Documentation Act (TREAD), Public Law 106–414. Specifically, the committee would be tasked with developing a detailed term sheet consisting of consensus recommendations to inform the agency's rulemaking proposal.

Consistent with its authority, NHTSA has determined that establishing a negotiated rulemaking committee is necessary and in the public interest based on agency regulatory review activities and stakeholder feedback. Previous actions included a prior request for comments concerning existing rules and agency actions that are candidates for repeal, replacement, suspension, or modification. Specifically, NHTSA issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on the continued necessity and effectiveness of current Federal Motor Vehicle Safety Standards for tires.[1] In response, the agency received comments from stakeholders highlighting the need to lower regulatory burdens and increase safety effectiveness by addressing existing and longstanding performance requirements, such as the tire strength (plunger energy) tests, bead unseating resistance tests, and tire

[1] Federal Motor Vehicle Safety Standards; Tires, 84 FR 69698 (Dec. 19, 2019).

endurance tests currently found in FMVSS Nos. 109, 119, and 139.[2] Furthermore, NHTSA has received official requests for interpretation—such as a recent inquiry from Goodyear Tire and Rubber Co. regarding the marking and testing of ''Extra Load'' passenger tires with a maximum inflation pressure of 350 kPa—demonstrating ambiguities in applying current load classification standards to modern tire designs.[3] These comments and requests underscore the limitations of the existing regulatory framework.

The agency initiated a rulemaking action (RIN 2127–AL96) in the Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions (''Unified Agenda''). As detailed in the Unified Agenda abstract for this RIN, the scope of the potential rulemaking and committee discussions would focus on tire testing as well as other tire-related issues.[4] Through this negotiated rulemaking process, NHTSA would work collaboratively with interested stakeholders to address various topics of modernization. For tire testing, committee discussions would focus on the continued necessity and effectiveness of the tire strength test (plunger energy), the bead unseating resistance test, and the tire endurance test (chunking). For other tire-related issues, the committee would evaluate broader regulatory topics, including the incorporation of non-pneumatic tires, modernization of tire markings, and a specific petition from the Tire and Rim Association (TRA) regarding the inclusion of Load Range F light truck tires in FMVSS No. 139.[5] Prior comments received from the public have also allowed the agency to identify interested stakeholders that might participate in the negotiated rulemaking process.[6]

Proposed Agenda and Schedule: The committee would establish a working schedule to develop a rulemaking proposal within its chartered duration. In accordance with FACA, the charter shall terminate two years after the date on which the charter is filed, unless it is renewed by the Secretary. To ensure the committee timely completes its work within its two-year duration, NHTSA intents to publish a Notice of Proposed Rulemaking (NPRM) promptly after the committee submits its consensus recommendations, the Secretary approves them either as submitted or in modified form, and after appropriate consultation with the Office of Information and Regulatory Affairs. The Agency expects that the committee will finalize its deliberations and provide its detailed term sheet within the active period of its charter.

The proposed agenda would include the drafting of a consensus report recommending specific regulatory updates. The committee would meet approximately four times per year with additional meetings as necessary to meet assigned tasks. Committee members would be provided with advance notice of any need to increase meeting frequency, and all meeting dates would be published in advance in the **Federal Register** in accordance with FACA requirements. Meetings would be open to the public and held virtually (or in a hybrid forum that does not require additional use of Federal funds), unless otherwise approved by the Secretary.

Administrative Support: NHTSA would provide the necessary administrative support for the committee. This would include meeting facilities, virtual meeting access capabilities, technical assistance, and document management. In addition, NHTSA would procure the services of a neutral facilitator to manage the committee meetings and assist the members in reaching consensus. Committee members would not receive pay or other compensation for their committee service.

Interests Significantly Affected and Membership: NHTSA has determined that establishing a negotiated rulemaking committee is in the public interest and that there are identifiable interests that would be significantly affected by the rulemaking. These groups include those that manufacture and sell tires in the United States, as well as groups that focus on engineering, safety, and general standard setting. To ensure a range of views among these groups, the agency proposes that the committee would consist of up to 18 members qualified to serve based on their expertise, training, experience, and ability to represent one of the identified categories. In general, appointments would reflect a balance of views and professional backgrounds.

Due to the various groups identified and the desired number of representatives from each, no single group would have a controlling stake in the committee, and the approach would be to achieve consensus on any topic discussed or recommendation produced. The Secretary of Transportation would appoint each member for a single term of two years or until the completion of committee activities, whichever is sooner, unless otherwise renewed in accordance with FACA. All members serve at the pleasure of the Secretary, who may appoint a member or terminate any member's tenure at his discretion. The Secretary also may extend appointments and may appoint replacements for members who resign outside a stated term, as necessary.

Pursuant to 5 U.S.C. 564(a)(4), NHTSA proposes representation from the following groups to reflect the interests significantly affected by this rulemaking:

- Four representatives from tire manufacturers or tire retailers;
- Two representatives from national motor vehicle manufacturers;
- Four representatives from national motor vehicle or motor vehicle equipment manufacturing associations;
- Two representatives from national motor vehicle or motor vehicle equipment safety organizations;
- Three representatives from educational or research institutions, or testing organizations within the United States; and
- Three representatives from national professional engineering associations or standard-setting associations.

Anyone who feels these categories do not fully represent their interests should detail their reasoning in their comment or membership application. NHTSA requests comments and suggestions regarding its tentative list of significantly affected stakeholder categories from which potential members of the committee may be selected.

Consistent with the Negotiated Rulemaking Act, the committee will also include a representative from NHTSA who will participate fully in the committee's deliberations and is authorized to represent the agency in discussions and negotiations. (5 U.S.C. 566(b)).

Process and Deadline for Submitting Comments and Nominations: As part of establishing the committee, NHTSA is seeking public feedback. NHTSA welcomes public reviews of all aspects of the negotiated rulemaking committee described in this Notice, and requests comments specifically on (1) the

---

[2] *See* Docket No. NHTSA–2019–0011, available at *https://www.regulations.gov*.

[3] Nat'l Highway Traffic Safety Admin., Interpretation Letter No. NCC–240112 (Aug. 8, 2024), *https://www.nhtsa.gov/interpretations/ncc-240112-goodyear-tire-and-rubber-co*.

[4] *See* Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions, RIN 2127–AL96, available at *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201804&RIN=2127-AL96*.

[5] A separate rulemaking action is planned to address TRA petitions regarding the recognition of 250 kPa and 290 kPa (standard/extra load inflation pressures) and 415 kPa for T-type temporary spare tires. This planned rulemaking action would also address the requirements that tubeless tires be labeled ''tubeless,'' radial tires be labeled ''radial,'' and tires be labeled with the number of plies in the sidewall and tread area.

[6] *Supra* note 2.

proposed scope of the committee and (2) the proposed balance of representation on the committee. NHTSA will consider the comments and information received in establishing its Negotiated Rulemaking Advisory Committee for Tire Safety.

Applications from interested individuals. To be considered for appointment, qualified applicants are invited to self-nominate or be nominated by any stakeholder or stakeholder organization by submitting the following information:

- Name, title, and relevant contact (including phone, fax (if available), and email address) of the nominee and a description of the interests the applicant or nominee shall represent;
- A letter of support from a company, association, academic or nonprofit organization on letterhead authorizing the applicant or nominee to represent parties related to the interest the person proposes to represent;
- Short biography of the nominee, including professional and academic credentials; and
- A written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration.

Each applicant must identify the category that he or she seeks to represent. Members should be senior level officials who are authorized to participate on the committee by their organizations and who either are experts on vehicle lighting with respect to the topics of interest to their organizations or who have access to such experts. Individuals applying for membership should keep in mind that committee members are representing a class of interests based on the sector identified and should be prepared to participate in committee activities from that perspective.

Materials submitted should total two pages or less. An applicant should include his or her full legal name and date of birth in the application. Evaluations will be based on publicly available information and the materials submitted. Submissions must be sent to the location listed in the **ADDRESSES** section by the deadline listed in the **DATES** section. Applicants selected for appointment to the committee will be notified by return email and by letter of appointment.

Authority: Issued under authority in 49 CFR 1.95.

Jonathan Morrison,

Administrator.

[FR Doc. 2026–21889 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[DOT–NHTSA–2026–2113]

National Emergency Medical Services Advisory Council Notice of Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the National Emergency Medical Services Advisory Council (NEMSAC).

DATES: This meeting will be transmitted via virtual interface and is scheduled to be held on November 4, 2026, from 1:00 p.m. to 5:00 p.m. ET. Pre-registration is required to attend the meeting. Once registered, a link permitting access to the meeting will be distributed to registrants by email. If you wish to speak during the meeting, you must submit a written copy of your remarks to DOT by October 26, 2026.

ADDRESSES: General information about the Council is available on the NEMSAC internet website at *www.ems.gov.* The registration portal and meeting agenda will be available on the NEMSAC internet website at *www.ems.gov* at least one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: The Office of Emergency Medical Services, National Highway Traffic Safety Administration, U.S. Department of Transportation is available by email at *NEMSAC@dot.gov.* Any committee-related requests should be sent to the email address listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

NEMSAC is authorized under Section 31108 of the Moving Ahead for Progress in the 21st Century Act of 2012, codified at 42 U.S.C. 300d–4 as a Federal Advisory Committee. The purpose of NEMSAC is to serve as a nationally recognized council of emergency medical services (EMS) representatives to provide advice to and consult with:

a. The Federal Interagency Committee on Emergency Medical Services (FICEMS) on matters relating to EMS issues; and

b. The Secretary of Transportation on matters relating to EMS issues affecting DOT.

NEMSAC provides an important national forum for the non-Federal deliberation of national EMS issues and serves as a platform for advice on DOT's national EMS activities. NEMSAC also provides advice and recommendations to the FICEMS.

II. Agenda

At the meeting, the agenda will cover the following topics:

- NHTSA Initiatives
- Updates from Federal Partners
- FICEMS Strategic Plan for National Implementation of Prehospital Blood Transfusion
- Request for Consultation and Advice
- General Informational Sessions
- Strategic Planning for NEMSAC
- Public Comment Period

III. Background on FICEMS Strategic Plan for National Implementation of Prehospital Blood Transfusion

Severe bleeding is the leading cause of preventable death in trauma patients. Evidence demonstrates that prompt prehospital blood transfusion can save an estimated 37 percent of trauma patients experiencing severe bleeding, whereas every minute of delay increases mortality risk by 11 percent. The draft FICEMS Strategic Plan for National Implementation of Prehospital Blood Transfusion (2026–2028) aims to prevent 10,000 deaths annually and achieve a 5 percent reduction in overall trauma mortality from severe bleeding by 2028.

The Council will deliberate on a letter from the Designated Federal Officer requesting consultation and advice on the FICEMS Strategic Plan for National Implementation of Prehospital Blood Transfusion. The Council will also deliberate on the Request for Information (RFI) published in the **Federal Register** on October 5, 2026. The RFI solicits public comments on feasibility, operational challenges, data linkage, and logistics associated with meeting the following national targets (key performance indicators or KPIs) across three core pillars:

Goal 1: Integrated Informatics

Pediatric Pre-Arrival Instructions: Increase the percentage of children with life-threatening bleeding post-crash receiving 911 pre-arrival instructions from a calendar year (CY) 2025 baseline of 20 percent to a 2028 target of 25 percent.

Overall Pre-Arrival Instructions: Increase the percentage of all patients with life-threatening bleeding post-crash receiving 911 pre-arrival instructions from a CY 2025 baseline of 20 percent to a 2028 target of 25 percent.

Goal 2: Systems Innovation

Ground EMS Agency Programs: Expand the total number of ground EMS

agencies with operational prehospital blood transfusion programs from a CY 2026 baseline of 450 agencies to a 2028 target of 2,028 agencies.

Goal 3: Clinical Excellence

Pediatric Prehospital Transfusion: Increase the percentage of pediatric patients with life-threatening bleeding post-crash receiving prehospital blood transfusion from a CY 2025 baseline of 7 percent to a 2028 target of 28 percent.

Overall Prehospital Transfusion: Increase the percentage of all patients with life-threatening bleeding post-crash receiving prehospital blood transfusion from a CY 2025 baseline of 4 percent to a 2028 target of 16 percent.

IV. Public Participation

This meeting will be open to the public. We are committed to providing equal access to this meeting for all participants. People with disabilities who need accommodation should send a request to the individual in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than October 26, 2026.

A period of time will be allotted for comments from members of the public attending the meeting. Members of the public may present questions and comments to the Council using the live chat feature available during the meeting. Members of the public may also submit materials, questions, and comments in advance to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Members of the public wishing to reserve time to speak directly to the Council during the meeting must submit a request. The request must include the name, contact information (address, phone number, and email address), and organizational affiliation of the individual wishing to address NEMSAC; it must also include a written copy of prepared remarks and must be forwarded to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than October 26, 2026.

All advance submissions will be reviewed by the Council Chairperson and Designated Federal Officer. If approved, advance submissions shall be circulated to NEMSAC representatives for review prior to the meeting. All advance submissions will become part of the official record of the meeting.

Authority: 42 U.S.C. 300d–4(b); 49 CFR part 1.95(i)(4).

Issued in Washington, DC.

Angie Wang,

Acting Associate Administrator, Research and Program Development.

[FR Doc. 2026–21846 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to revise and extend for three years the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031, FFIEC 041, and FFIEC 051) which is currently an approved collection of information. The agencies are requesting comment on revisions to these collections related to an interim final rule issued by the FDIC that implements section 902 of the 21st Century ROAD to Housing Act. The agencies received emergency approval from OMB for these revisions.

DATES: Comments must be submitted on or before December 28, 2026.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments will be shared among the agencies. Comments should be directed to:

OCC: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0081, 400 7th Street SW, Suite 1E–216, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 1E–216, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0081'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of the Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0081'' or ''Consolidated Reports of Condition and Income (Call Report) (FFIEC 031, FFIEC 041, and FFIEC 051).'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

Board: You may submit comments, identified by ''FFIEC 031, FFIEC 041, and FFIEC 051,'' by any of the following methods:

- *Agency website: https://www.federalreserve.gov/apps/proposals/.* Follow the instructions for

submitting comments, including attachments. *Preferred Method.*

- *Mail:* Benjamin W. McDonough, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.
- *Hand Delivery/Courier:* Same as mailing address.
- *Other Means: publiccomments@frb.gov.* You must include the OMB number or the FFIEC number in the subject line of the message.

Comments received are subject to public disclosure. In general, comments received will be made available on the Board's website at *https://www.federalreserve.gov/apps/proposals/* without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure. Public comments may also be viewed electronically or in person in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

FDIC: You may submit comments, which should refer to ''Call Report Revisions,'' by any of the following methods:

- *Agency website: https://www.fdic.gov/federal-register-publications.* Follow the instructions for submitting comments on the FDIC's website.
- *Email: comments@FDIC.gov.* Include ''Call Report Revisions'' in the subject line of the message.
- *Mail:* Jennifer Jones, Deputy Executive Secretary, Attn: Comments: Call Report Revisions, 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 550 17th Street NW building (located on F Street NW) on business days between 7 a.m. and 5 p.m.
- *Public Inspection:* Comments received, including any personal information provided, may be posted without change to *https://www.fdic.gov/federal-register-publications.* Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the information collections discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the report forms for the Call Report can be obtained at the FFIEC's website (*https://www.ffiec.gov/resources/reporting-forms*).

OCC: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Data, AI, and Statistics Office, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

FDIC: Kimberly Yeh, Senior Attorney, (202) 898–6514, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Report Summary (Call Report)

The agencies propose to extend for three years, with revision, their information collections associated with the FFIEC 031, FFIEC 041, and FFIEC 051 Call Report.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Number: FFIEC 031 (Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices), FFIEC 041 (Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only), and FFIEC 051 (Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less Than $5 Billion).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Control No.: 1557–0081.

Estimated Number of Respondents: 934 national banks and Federal savings associations.

Estimated Average Burden per Response: 41.38 burden hours per quarter to file.

Estimated Total Annual Burden: 154,596 burden hours to file.

Board

OMB Control No.: 7100–0036.

Estimated Number of Respondents: 705 State member banks.

Estimated Average Burden per Response: 45.21 burden hours per quarter to file.

Estimated Total Annual Burden: 127,492 burden hours to file.

FDIC

OMB Control No.: 3064–0052.

Estimated Number of Respondents: 2,657 insured State nonmember banks and State savings associations.

Estimated Average Burden per Response: 38.81 burden hours per quarter to file.

Estimated Total Annual Burden: 412,473 burden hours to file.

The estimated average burden hours collectively reflect the estimates for the FFIEC 031, the FFIEC 041, and the FFIEC 051 reports for each agency. When the estimates are calculated by type of report across the agencies, the estimated average burden hours per quarter are 86.25 (FFIEC 031), 55.56 (FFIEC 041), and 34.99 (FFIEC 051). The revisions to the Call Report form and instructions in this notice do not have a material impact on the existing burden estimates. The estimated burden per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (for example, size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices).

Type of Review: Extension and revision of currently approved collections. In addition to the proposed revisions discussed below, the Call Report is periodically updated to clarify instructional guidance and correct grammatical and typographical errors on the forms and instructions which are published on the FFIEC website.[1] These non-substantive updates may also be commented upon.

Legal Basis and Need for Collections

The Call Report information collections are mandatory: 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (State member banks), 12 U.S.C. 1817 (insured

[1] *https://www.ffiec.gov/resources/reporting-forms.*

State nonmember commercial and savings banks), and 12 U.S.C. 1464 (Federal and State savings associations). At present, except for selected data items and text, these information collections are not given confidential treatment.

Banks and savings associations submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data serve a regulatory or public policy purpose by assisting the agencies in fulfilling their shared missions of ensuring the safety and soundness of financial institutions and the financial system and protecting consumer financial rights, as well as agency-specific missions affecting Federal and State-chartered institutions, such as conducting monetary policy, ensuring financial stability, and administering Federal deposit insurance. For many institutions, the Call Report is the source of the most current statistical data available for identifying areas of focus for on-site and off-site examinations. Among other purposes, the agencies use Call Report data in evaluating institutions' corporate applications, including interstate merger and acquisition applications for which the agencies are required by law to determine whether the resulting institution would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are used to calculate risk-based assessments for insured depository institutions.

II. Current Actions

Section 29 of the Federal Deposit Insurance Act (FDI Act) restricts insured depository institutions that are less than well capitalized from accepting brokered deposits. Reciprocal deposits [2] obtained, directly or indirectly, from or through the mediation or assistance of a deposit broker are a subset of brokered deposits and generally must be reported as brokered deposits unless an exception applies. Section 29(i) of the FDI Act provides a limited exception for reciprocal deposits to allow an insured depository institution that qualifies as an ''agent institution'' to exclude from treatment as brokered deposits a limited amount of reciprocal deposits. Reciprocal deposits held by an institution that does not qualify as an agent institution, must be treated as brokered deposits.

Section 902 of the 21st Century ROAD to Housing Act (Housing Act), which became law on July 11, 2026, amended the limited exception for reciprocal deposits in section 29(i) of the FDI Act in two principal respects. First, section 902 revised one of the three methods by which an insured depository institution may qualify as an agent institution. Previously, the first method required an insured depository institution to be well capitalized and to have a composite condition of ''outstanding'' or ''good,'' corresponding to a CAMELS composite rating of ''1'' or ''2.'' Under the revised provision, an institution may qualify under this method if, when most recently examined, the institution was assigned a composite CAMELS rating of ''1,'' ''2,'' or ''3'' and is well capitalized. Second, section 902 replaced the calculation of the maximum amount of reciprocal deposits that can be treated as not being brokered deposits under the limited exception, known as the general cap, with a tiered calculation based on the agent institution's total liabilities. Under the amended general cap, an agent institution may exclude from treatment as brokered deposits an amount of reciprocal deposits equal to the sum of:

1. 50 percent of the portion of the institution's total liabilities that is less than or equal to $1 billion;
2. 40 percent of the portion of total liabilities that is greater than $1 billion but less than or equal to $10 billion; and
3. 30 percent of the portion of total liabilities that is greater than $10 billion but less than or equal to $96,333,333,333.

On August 27, 2026, the FDIC Board of Directors approved an interim final rule,[3] effective September 1, 2026, to implement section 902 of the Housing Act. In response to the interim final rule, the agencies, under the auspices of the FFIEC, requested and received emergency approval on September 28, 2026, from OMB to implement revisions to the Call Report that took effect beginning with the September 30, 2026, report date. The agencies revised the Call Reports by revising the instructions to conform to the statutory and regulatory definitions of brokered and reciprocal deposits for the following items and Glossary entry:

- Schedule RC–E, Memorandum item 1.b., ''Total brokered deposits'';
- Schedule RC–E, Memorandum item 1.g., ''Total reciprocal deposits'';
- Schedule RC–E, Examples for Calculating the Special Cap;
- Schedule RC–O, item 9, ''Brokered reciprocal deposits''; and
- Glossary entry titled ''Brokered Deposits.''

The agencies also established a new confidentiality exception for the amounts reported in Schedule RC–O, items 9, ''Brokered reciprocal deposits,'' and 9.a, ''Fully consolidated brokered reciprocal deposits,'' respectively.

The new confidentiality exception is considered necessary because the amounts reported in Schedule RC–O, items 9 and 9.a., when compared with publicly available total reciprocal deposits reported in Schedule RC–E, Memorandum item 1.g., could reveal nonpublic supervisory information about an institution. The agencies are requesting comment on whether there should be any further changes to the Call Report instructions developed by the agencies to implement the revisions for which emergency approval was received from OMB. If modifications are made to the associated FDIC final rule, the agencies would modify the information collection revisions in this proposal to incorporate any necessary changes.

III. Timing

The Call Report revisions made in response to the Housing Act, as implemented by the FDIC's interim final rule, were approved by OMB through the emergency clearance process, and these revisions have taken effect for the September 30, 2026, Call Report.

IV. Request for Comment

Public comment is requested on all aspects of this joint notice. Comment is specifically invited on:

(a) Whether the revised instructions accurately and clearly implement the amendments to the limited reciprocal deposit exception made by section 902 of the Housing Act;

(b) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(c) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(d) Ways to enhance the quality, utility, and clarity of the information to be collected;

(e) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(f) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

[2] *See* 12 U.S.C. 1831f(i); 12 CFR 337.6.

[3] *See* 91 FR 56022 (Sept. 1, 2026).

Comments submitted in response to this joint notice will be shared among the agencies.

Carl Kaminski,

Assistant Director, Office of the Comptroller of the Currency.

Erin M. Cayce,

Assistant Secretary of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC on October 22, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–21841 Filed 10–26–26; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; on Comment Request Relating to Communications Excise Tax; Prepaid Telephone Cards

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before December 28, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov*. Include ''OMB Control No. 1545–1628'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Communications Excise Tax; Prepaid Telephone Cards.

OMB Control Number: 1545–1628.

Regulation Project Number: TD 8855.

Abstract: Carriers must keep certain information documenting their sales of prepaid telephone cards to other carriers to avoid responsibility for collecting tax. The regulations provide rules for the application of the communications excise tax to prepaid telephone cards.

Current Actions: There are no changes to the regulation or burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Responses: 96.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 34.

Dated: October 23, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–21887 Filed 10–26–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0448]

Agency Information Collection Activity: Information Collected From Lenders of Condominium Projects

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: Information Collected From Lenders of Condominium Projects.

OMB Control Number: 2900–0448. *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: Reinstatement with Change of a Previously Approved Collection.

Abstract: The information collection package seeks to reinstate OMB approval of control number 2900–0448, Information Collected From Lenders of Condominium Projects. The collection of information is necessary for the Department of Veterans Affairs (VA) to review condominium projects and determine whether units within the projects are acceptable security for VA-guaranteed loans. The burden increased

from the previously reported 1 burden hour to 3,035 annual burden hours. This change reflects the reinstatement of a legacy information collection and correction of the previously reporting burden to reflect the total annual burden based on the estimated number of responses and time per response. It does not present a new collection requirement. Previously approved for the information collection reported in 1991 was 2,100 responses and 1 burden hour.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,035 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: One Time.

Estimated Number of Respondents: 3,035.

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. 2026–21871 Filed 10–26–26; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 91 Tuesday,
No. 206 October 27, 2026

Part II

Department of Health and Human Services

45 CFR Part 155
Patient Protection and Affordable Care Act, Exchange Pre-Eligibility Verification; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 155

[CMS–9873–P]

RIN 0938–AW03

Patient Protection and Affordable Care Act, Exchange Pre-Eligibility Verification

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement new requirements specified under the Working Families Tax Cut (WFTC) legislation related to Exchange eligibility and verification. This proposed rule contains related updates to provisions affecting inconsistency periods, inconsistency verification procedures, annual eligibility redeterminations and eligibility redeterminations during the plan year, as well as expanding enrollment methods during the verification process and establishing new coverage effective dates.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by November 27, 2026.

ADDRESSES: In commenting, please refer to file code CMS–9873–P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *https://www.regulations.gov/docket/CMS-2026-3367*. Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9873–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9873–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Jeff Wu, *Jeff.Wu@cms.hhs.gov*, Grace Bristol, *Grace.Bristol@cms.hhs.gov*, or Dan Brown, *Daniel.Brown@cms.hhs.gov*, for general information.

Leah Nason, *Leah.Nason@cms.hhs.gov*, or Maria Liddane, *Maria.Liddane@cms.hhs.gov*, for matters related to eligibility process and annual re-enrollment.

Claire Curtin, *Claire.Curtin@cms.hhs.gov*, Marisa Beatley, *Marisa.Beatley@cms.hhs.gov*, or Arshdeep Dhanoa, *arshdeep.dhanoa@cms.hhs.gov*, for matters related to residency verification.

Grace Platt, *Grace.Platt@cms.hhs.gov*, Hollynd Boyden, *Hollynd.Boyden@cms.hhs.gov*, or Katherine Bentley, *Katherine.Bentley2@cms.hhs.gov*, for matters related to data matching issues and inconsistency periods.

Mary Evans, *Mary.Evans1@cms.hhs.gov*, for matters related to family size special enrollment period waiver.

Asfiya Mariam, *Asfiya.Mariam@cms.hhs.gov*, for matters related to eligibility redeterminations during a benefit year.

Dena Nelson, *Dena.Nelson@cms.hhs.gov*, or Kathryn Martucci, *Kathryn.Martucci@cms.hhs.gov*, for matters related to annual pre-open enrollment verification period.

Claire Curtin, *Claire.Curtin@cms.hhs.gov*, for matters related to family size verification.

Morgan Schonfeld, *Morgan.Schonfeld@cms.hhs.gov*, or Dan Brown, *Daniel.Brown@cms.hhs.gov*, for matters related to coverage effective dates.

John Kenna, *John.Kenna@cms.hhs.gov*, or Marisa Beatley, *Marisa.Beatley@cms.hhs.gov*, for matters related to pended plan selections.

Nicholas Eckart, *Nicholas.Eckart@cms.hhs.gov*, for matters related to payment of binder for new enrollments.

Courtney De La Mater, *Courtney.DeLaMater@cms.hhs.gov*, or Jenny Chen, *Jenny.Chen@cms.hhs.gov*, for matters related to the approval and establishment of State Exchanges.

Riley Strayer, *Riley.Strayer@cms.hhs.gov*, for matters related to Collection of Information Requirements and Regulatory Impact Analysis.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *https://www.regulations.gov*. Follow the search instructions on that website to view public comments. We will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. We continue to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. We encourage commenters to include supporting facts, research, and evidence in their comments. When doing so, commenters are encouraged to provide citations to the materials referenced, including active hyperlinks. Likewise, commenters who reference materials that have not been published are encouraged to upload relevant data collection instruments, data sets, and detailed findings as a part of their comment. Providing such citations and documentation will assist CMS in analyzing the comments.

Plain Language Summary: In accordance with 5 U.S.C. 553(b)(4), a plain language summary of this rule may be found at *https://www.regulations.gov/*.

I. Executive Summary

A. Purpose

This proposed rule would update provisions related to Exchange eligibility and verification consistent with new requirements specified under section 71303 of Public Law 119–21 (July 4, 2025), which we refer to as the Working Families Tax Cut (WFTC) legislation. We solicit input on ways Exchanges can strengthen certain verifications to promote program integrity while minimizing unnecessary or duplicative administrative burdens to the extent practicable. This proposed rule also contains related updates to provisions affecting inconsistency periods, enrollment options during inconsistency verification procedures, annual eligibility redeterminations and eligibility redeterminations during the plan year. It also expands enrollment methods during the verification process and establishes new effective dates.

B. Summary of Major Provisions

We propose to modify 45 CFR 155.106 to require that the 15-month requirement for a State to submit its application for HHS' review and approval be oriented around when a State begins operations as a State

Exchange for the pre-open enrollment (pre-OE) verification period, instead of the Open Enrollment period (OEP).

We propose to retain the existing regulatory requirements in § 155.315(d) related to verification of residency. We seek comment on how HHS might strengthen requirements for Exchanges to verify residency in the short and long term to improve program integrity, and ideas on how Exchanges can move away from primarily accepting self-attestation of residency without further verification.

We propose to amend § 155.315(f)(4)(ii) to state that Exchanges would not be able to authorize payment for advance payments of the premium tax credit (APTC) and cost-sharing reductions (CSRs) for applicants who have data matching issues (DMIs) described in § 155.315(c) for citizenship [1] and lawful presence status; § 155.315(d) for residency; § 155.320(b) for non-employer sponsored minimum essential coverage (MEC); [2] § 155.320(c)(3) for annual household income, family size, and eligible noncitizen status; and § 155.320(d) for employer-sponsored plans, until such DMIs are adjudicated by the Exchange, if otherwise eligible. Additionally, we propose in § 155.315(f)(4)(ii) that the above requirement would not apply if the applicant's tax household is eligible for a special enrollment period (SEP) described in § 155.420(d)(2)(i) or (ii).

We propose to add new § 155.315(f)(4)(iii) to describe the requirements related to providing APTC and CSRs for enrollees who have reported a change to eligibility criteria during the plan year after an Exchange has completed verification of those same criteria. We also propose to add new § 155.315(f)(4)(iv) to specify that Exchanges would be required to determine eligibility for APTC and CSRs on behalf of an applicant following successful verification of information as described in proposed new § 155.315(f)(4)(ii) and to establish effective dates of those eligibility determinations or redeterminations. We also propose to add new § 155.315(f)(4)(v) to state that applicants with DMIs unrelated to the information outlined in proposed § 155.315(f)(4)(ii) receive APTC and CSRs during an inconsistency period if otherwise eligible, as currently required. We further propose to add new § 155.315(f)(4)(vi) to move the requirement that a tax filer must acknowledge that any APTC are subject to reconciliation that is already outlined in existing § 155.315(f)(4)(ii). Finally, we propose to amend § 155.315(f)(4)(i) to remove language around proceeding with all other elements of eligibility determination to align with proposed changes to § 155.315(f)(4)(ii).

We propose to retain the existing regulatory requirements at § 155.320(c) related to verification of family size, and we seek comment on how we might strengthen requirements for Exchanges to verify family size to improve program integrity.

We propose to amend § 155.330(f) to specify effective dates for eligibility redeterminations during the plan year. Specifically, we propose that eligibility redeterminations resulting from enrollee-reported changes would be effective on the first day of the month following the eligibility redetermination, unless the enrollee qualifies for certain SEPs. At § 155.330(f)(2), we propose to add cross-references to the newly proposed effective date rules at § 155.315(f)(4)(iv) that apply when an Exchange resolves a consumer's DMI described in § 155.315(f)(4)(ii) or § 155.315(f)(4)(iii)(A). Finally, at § 155.330(f)(3), we propose effective date rules for consumers whose DMIs are expired because they do not submit sufficient documentation.

We propose to amend § 155.335 to require that Exchanges continue redetermining the eligibility of an enrollee on an annual basis but newly require that an Exchange may not redetermine an enrollee eligible for APTC and CSRs for the subsequent plan year unless the enrollee or the enrollee's application filer provides or confirms household income and family size; U.S. citizenship or status as an eligible noncitizen; eligibility for or enrollment in other MEC; and place of residence for the subsequent plan year on or after August 1 and no later than December 31 of the year preceding the applicable plan year, and the Exchange would be required to attempt to verify the specified eligibility information using the processes in §§ 155.315 and 155.320, including the relevant provisions in those sections regarding DMIs.

We also propose to amend § 155.335(b) to state the annual eligibility redetermination would be effective on the first day of the applicable plan year, and the Exchange would be required to adhere to the existing notification standard for eligibility determinations under § 155.310(g). We propose an exception in instances where an enrollee has an unresolved DMI under § 155.315(f)(4)(ii) as of December 31 of the year preceding the plan year and for whom APTC and CSRs are not provided during the inconsistency period. In these cases, we propose that the redetermination of APTC and CSRs take effect in accordance with §§ 155.315(f)(4)(iv)(A) or 155.330(f)(3), as applicable. We propose to remove § 155.335(c) through (i); redesignate § 155.335(j) as new § 155.335(c); and remove § 155.335(k) through (n).

We propose to modify § 155.400(e) to account for new enrollment requirements proposed in this rule. Specifically, we propose that Exchanges may, and the Federally-facilitated Exchange (FFE) and State-based Exchanges on the Federal platform (SBE–FPs) would be required to, make retroactive enrollments under proposed §§ 155.410(f)(5)(i)(A) and (B), 155.410(f)(ii)(A) and (B), and 155.420(b)(6)(i), subject to the current binder payment rules for retroactive enrollments under § 155.400(e)(1)(iii). We also propose to make conforming amendments at § 155.400(e)(1), including combining current (i) and (ii) as proposed (i), and redesignating current (iii) as proposed (ii).

We propose to add new § 155.400(i) to require that Exchanges permit applicants and enrollees to ''pend'' their plan selection such that the plan selection would only be sent to the issuer, and qualified health plan (QHP) coverage only becomes effective, after the Exchange determines the applicant or enrollee eligible for APTC and CSRs, as applicable, as described by § 155.315(f)(4)(iv).

We propose to add § 155.410(h) to require all Exchanges to provide a pre-OE verification period during which Exchanges would enable consumers to choose to provide certain eligibility information for the subsequent plan year. Exchanges would be required to attempt to verify such information provided. We propose that the pre-OE verification period for all Exchanges begin each year on August 1 and continue until an Exchange's OEP begins.

We propose new effective date rules for pended plan selections made during the annual OEP or during an SEP, in § 155.410(f)(5) and § 155.420(b)(6), respectively. These rules would provide

[1] When referring to verification of ''citizen'' or ''citizenship'' status in this proposed rule, we are also referring to verification of status as a U.S. National. U.S. Nationals are defined as ''A person who, though not a citizen of the United States, owes permanent allegiance to the United States (for example, persons born in American Samoa or Swains Island).'' Please see *https://www.uscis.gov/glossary-term/50718*.

[2] References to minimum essential coverage or MEC throughout this rule may refer to coverage through an employer-sponsored plan or other coverage, such as Medicaid. References to ''other MEC'' throughout this rule are intended to refer to coverage other than Exchange coverage.

that, in general, if an Exchange resolves all of a consumer's DMIs described in § 155.315(f)(ii) by the 15th of the month following the consumer's otherwise prescribed effective date under § 155.410(f)(5) or § 155.420(b)(6), then the consumer can maintain that coverage effective date. If, however, they do not resolve all of their DMIs by the 15th of the month following their otherwise prescribed effective date, then their coverage effective date would depend on when their DMIs were resolved. If their DMIs were resolved by the 15th of the month, their coverage effective date would be the first of the month of resolution. If their DMIs are resolved between the 16th and the end of the month, then their coverage effective date would be the first of the following month.

We are considering expanding the application submission timeframe described in the SEP at § 155.420(d)(11), which is commonly referred to as the Medicaid denial SEP, and seek comment on this possible change. For this SEP, if a consumer applies for Medicaid and CHIP coverage, either through the Marketplace eligibility application or directly with the State Medicaid or CHIP agency during the OEP and is denied Medicaid and CHIP, the consumer is granted an SEP to gain access to Exchange coverage. Specifically, we seek comment on whether consumers who apply for Medicaid or CHIP during the pre-OE verification period should also be eligible for this SEP, if otherwise eligible.

II. Background

A. Legislative Overview

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this proposed rule, these statutes are collectively referred to as the Affordable Care Act.

Section 1311(b) and (c)(6) of the Affordable Care Act outlines provisions for the establishment of Exchanges that facilitate the purchase of insurance coverage by qualified individuals through QHPs during an annual OEP or SEP. Section 1401 of the Affordable Care Act created section 36B of the Internal Revenue Code (Code), which provides for a premium tax credit (PTC) for eligible individuals who enroll in a QHP through an Exchange. Section 1402 of the Affordable Care Act establishes provisions to reduce the cost-sharing obligations of certain eligible individuals enrolled in a QHP offered through an Exchange through the provision of CSRs.

Under section 1411 of the Affordable Care Act, the Secretary of HHS is directed to establish a program for determining whether an individual meets the eligibility standards for enrollment in a QHP through an Exchange, APTC, and CSRs. Section 1411(b) of the Affordable Care Act specifies the information to be provided by applicants for enrollment in QHPs offered through an Exchange, including what is required for applicants seeking APTC and CSRs. This applicant information may include names, addresses, dates of birth, and Social Security Numbers; information about citizenship and immigration status; and, for individuals applying for APTC and CSRs, information about household income, family size, and offers of health coverage from employers. Section 1411(c) of the Affordable Care Act requires Exchanges to submit certain applicant information to specified data sources for verification of its accuracy. Section 1411(c)(4) of the Affordable Care Act generally requires verifications of certain applicant information to be performed electronically using online systems. However, section 1411(c)(4)(B) of the Affordable Care Act grants HHS flexibility to modify the methods of such verifications to reduce administrative costs and burden on applicants, and section 1411(d) of the Affordable Care Act delegates to HHS responsibility for the manner in which certain other verifications are completed.

Consistent with the requirements of section 1411 of the Affordable Care Act, when an applicant applies through an Exchange, they attest to information on the application, such as their citizenship or immigration status, and their household's expected annual income. As part of the application process, Exchanges check trusted data sources to determine if application information is reasonably compatible with information from those data sources. In cases where the information is not reasonably compatible or data is unavailable, generally the applicant will receive notification of a data matching issue (DMI). Consistent with additional requirements of section 1411(e) described below, the applicant will have 90 or 95 days to resolve the DMI by submitting requested documentation. The applicant will be provided 95 days for document submission for DMIs related to the verification of citizenship or immigration status. Throughout this proposed rule, we refer to this 90/95-day period as an ''inconsistency period,'' and we refer to instances where an applicant has an inconsistency as the applicant having a DMI.

Section 1411(e)(2)(A) of the Affordable Care Act establishes that when certain information has been verified, an applicant becomes eligible to enroll in a QHP through an Exchange, and for APTC and CSRs, as applicable. Section 1411(e)(3) of the Affordable Care Act specifies the process Exchanges must follow when applicants have a DMI related to citizenship or immigration status by referencing section 1902(ee) of the Social Security Act. In the March 27, 2012 **Federal Register** (77 FR 18310) (Exchange Establishment Rule), we interpreted this to require the Exchange to notify applicants of their DMI and provide them an opportunity to submit evidence to verify their information within 95 days from the date the notice is received. In the Exchange Establishment Rule, we also interpreted section 1411(e)(3) of the Affordable Care Act as requiring Exchanges to make eligibility determinations on the basis of information provided on the application during an inconsistency period related to citizenship or immigration status.

Similarly, section 1411(e)(4)(B)(i) of the Affordable Care Act requires that Exchanges make eligibility determinations on the basis of information provided on the application during an inconsistency period related to information other than citizenship or immigration status. This means that applicants with a DMI may be able to enroll in a QHP and receive APTC and CSRs during an inconsistency period, if eligible based on the information provided on their application. Section 1411(e)(4) specifies the process Exchanges must follow when applicants have DMIs, other than those related to citizenship or immigration status, including notifying applicants and providing them an opportunity to submit evidence to verify their information within 90-day inconsistency periods.

Under section 36B of the Code, a taxpayer is only allowed a PTC for months that are coverage months for the taxpayer or other individuals in the taxpayer's family (a taxpayer's family consists of the taxpayer, the taxpayer's spouse if filing a joint tax return, and the taxpayer's tax dependents). Section 71303(a) of the WFTC legislation amends section 36B of the Code to provide additional requirements before a month can be a coverage month, effective for tax years beginning after

December 31, 2027.[3] Effective January 1, 2028, section 36B(c)(5)(A) of the Code provides that a month is generally not a coverage month for an enrollee in a QHP unless an Exchange ''verifies'', ''using applicable enrollment information that shall be provided or verified by the applicant,'' the enrollee's eligibility to enroll in a QHP through an Exchange and, to the extent relevant, for APTC for the coverage for that month. In this proposed rule, we use the term ''confirm'' as a synonym to ''verify'' when referring to the requirement in section 36B(c)(5)(A) of the Code that information shall be ''verified by the applicant.'' We reserve the term ''verify'' to describe the section 36B(c)(5)(A) of the Code requirement for Exchanges to verify eligibility. This terminology avoids confusion throughout this proposed rule about which subject of the statute (that is, ''the Exchange'' or ''the applicant'') is the subject of the term ''verify.'' Section 36B(c)(5)(B) of the Code provides, ''applicable enrollment information'' referenced in subsection (c)(5)(A) includes, to the extent relevant: (i) household income and family size of the enrollee, (ii) whether the enrollee is an eligible alien, (iii) any health coverage status or eligibility for coverage, (iv) the enrollee's place of residence, and (v) such other information as may be determined by the Secretary of the Treasury (in consultation with the Secretary of HHS) as necessary to the verification prescribed under section 36B(c)(5)(A) of the Code.

Section 36B(c)(5)(C) of the Code allows months that begin before the verification required by section 36B(c)(5)(A) of the Code to be considered coverage months if an Exchange completes the required verification for those months. Section 36B(c)(5)(D) of the Code provides that a consumer must not be treated as ineligible to enroll in a QHP solely for failing to meet the requirements of section 36B(c)(5) of the Code for a month. Section 36B(c)(5)(E) of the Code delegates to the Secretary of the Treasury authority to waive the verification requirements of section 36B(c)(5)(A) of the Code for individuals who enroll in a QHP during an SEP granted due to a change in family size.

Section 71303(b) of the WFTC legislation added new section 36B(c)(3)(A)(ii) of the Code. This change modifies the definition of QHP for the purpose of section 36B of the Code. Specifically, it excludes from the definition of QHP any plan that is enrolled in through an Exchange that does not provide a process through which any consumer may verify their household income and eligibility for QHP enrollment for the following plan year. This process must be in place no later than August 1, 2027 (and by August 1 for each subsequent year) to ensure applicants and current enrollees in QHP coverage who are seeking QHP coverage with APTC for plan year (PY) 2028 and subsequent years remain eligible for PTC and APTC, if otherwise eligible.

Section 71305 of the WFTC legislation removed section 36B(f)(2)(B) of the Code. This change eliminated the limitation on repayment of excess APTC for tax years after December 31, 2025.

III. Provisions of the Proposed Regulations

A. Part 155—Exchange Establishment Standards and Other Related Standards Under the Affordable Care Act

1. Election To Operate an Exchange After 2014 (§ 155.106)

We propose to amend § 155.106(a)(2) to require an Exchange submitting a Blueprint application to do so at least 15 months prior to the date on which it proposes to begin its pre-OE verification period instead of at least 15 months prior to the date on which it proposes to begin its OEP. In section III.A.9.c. of this proposed rule, we are proposing to add § 155.410(h) to require that all Exchanges permit consumers to provide eligibility information to Exchanges for the upcoming plan year prior to the beginning of the OEP each year, beginning on August 1, 2027, for PY 2028 and August 1 of each subsequent year. Accordingly, we have considered the implication of the new proposed pre-OE verification period on our current requirements and process for approval of States currently utilizing the Federal platform, as an FFE or SBE–FP, that wish to establish a State Exchange.

As part of the State Exchange establishment process under 45 CFR Part 155, subpart B, we currently require at § 155.106(a)(2) that any State on the Federal platform that intends to establish and operate a State Exchange must submit its Exchange Blueprint application to HHS for review and approval 15 months prior to when the State intends to begin OEP operations as a State Exchange. The State Exchange Blueprint continues to serve as a vehicle for a State to document its progress toward implementing its intended Exchange operational model. HHS approves a State's Exchange Blueprint Application and subsequently provides approval for a State to operate a State Exchange, based upon a State meeting the State Exchange implementation requirements noted in the Blueprint Application.

Under the proposed pre-OE verification period requirement, the proposed pre-OE verification period would immediately precede the OEP. Accordingly, an Exchange would not only need to be responsible for its OEP activities but would also need to be responsible for the proposed pre-OE verification period activities. We are of the view that a State that is in the process of establishing a State Exchange should be responsible for its pre-OE verification activities as well as its OEP activities, since eligibility determinations made during the pre-OE period also would relate to eligibility for enrollment in the following plan year. We therefore determined that a State that is in the process of establishing a State Exchange should be ready to do so by the beginning of the pre-OE verification period, instead of by OEP, as currently required. As such, in HHS' State Exchange Blueprint application review and State Exchange approval process, we would need to account for assessing the readiness of a transitioning State Exchange to conduct the proposed pre-OE verification period functions for the August 1 timeframe. HHS' existing review and approval timeline has been oriented around the first OEP for a transitioning State Exchange. This is when a new State Exchange becomes operational (that is, ''goes live'') and accordingly, HHS notifies a transitioning State Exchange of its decision prior to the OEP start date. HHS' decision is based on a 15-month period of time that HHS needs to sufficiently assess the readiness of a transitioning State Exchange to operate its own Exchange platform and perform the essential functions of an Exchange and allow for a sufficient period of time for HHS to then remove the transitioning State Exchange and its State Medicaid agency from the Federal Exchange platform. Due to the August 1 timeframe associated with this new proposal that needs to be included into the State Exchange readiness assessment, the overall timeline for HHS' review and assessment of State Exchange functionality would need to be moved up so that notification to a transitioning State Exchange of HHS' decision occurs earlier than August 1, rather than prior to the start of the OEP, since the start of the pre-OE verification period would be the new date for when an approved transitioning State Exchange first becomes operational.

Accordingly, in conjunction with the proposed addition of § 155.410(h), we are proposing to modify § 155.106 to

[3] See section 71303(c) of the WFTC legislation.

provide that a State seeking to operate as a State Exchange would be required to submit its Blueprint application 15 months before the date it proposes to begin its pre-OE verification period, rather than the date it proposes to begin its OEP. We are of the view that this rule, if finalized, would not materially burden States, as any State offering an FFE or SBE–FP that is considering establishing a State Exchange, and that has not yet submitted a State Exchange Blueprint application to HHS, would have sufficient time after the release of the final rule to include the new pre-OE verification period requirements into their planning and decision-making leading up to submitting a State Exchange Blueprint application and establishing a State Exchange. Building the pre-OE verification period in tandem with the initial OEP may require some more start-up effort for a State newly establishing a State Exchange, in comparison to an initial OEP only, but we are of the view that this would be minimal and less burdensome overall than if a State were to first establish an OEP as a State Exchange and then subsequently build out the pre-OE verification period as a State Exchange.

We seek comment on this proposal.

2. Definitions and General Standards for Eligibility Determination (§ 155.300)

We propose a non-substantive edit to update a cross reference in § 155.300(c)(2) from § 155.315(f)(4)(ii) through 155.315(f)(4)(vi). We make this proposal because elsewhere in this rule we propose to move the content of § 155.315(f)(4)(ii)—which describes an attestation for APTC reconciliation—to § 155.315(f)(4)(vi). This proposal is intended to ensure that the meaning of § 155.300(c)(2) remains the same.

We seek comment on this proposal.

3. Eligibility Process (§ 155.310)

We propose to add new cross references to § 155.310(f) to account for new effective dates proposed in this rule. The proposed revisions to § 155.310(f) would require Exchanges to implement determinations of a consumer's eligibility for enrollment in a QHP through the Exchange, for APTC, and for CSRs, as applicable, in accordance with the effective date rules specified in other subsections of part 155. Currently, § 155.310(f)(1) requires that Exchanges make initial eligibility determinations in accordance with the dates specified in §§ 155.410(c) and (f) and 155.420(b), and § 155.310(f)(2) requires that Exchanges make redeterminations in accordance with the dates specified in § 155.330(f) and (i), as applicable.

First, we propose to update § 155.310(f)(1), regarding effective dates for initial eligibility determinations, so that it also cross-references proposed § 155.315(f)(4)(iv). As described in detail in section III.A.4.b.iv. of this proposed rule, we propose at § 155.315(f)(4)(iv) new effective date rules that would apply to certain initial eligibility determinations for consumers who resolve DMIs described in proposed § 155.315(f)(4)(ii). This additional cross-reference ensures that § 155.310(f)(1) includes a complete list of the places within part 155 where effective dates for initial eligibility determinations would be specified.

Second, we propose to update a cross-reference currently at § 155.310(f)(2), regarding eligibility redeterminations. Specifically, we propose to update the current cross-reference from § 155.335(i) to § 155.335(b). This is a technical update that is needed because, as part of our proposed updates to § 155.335 described in detail in section III.A.7. of this proposed rule, the proposed effective dates for annual redeterminations would be covered in proposed § 155.335(b). As a result, this proposed update is needed to ensure that the cross-reference in § 155.310(f)(2) remains accurate.

We seek comment on this proposal.

4. Verification Process Related to Eligibility for Enrollment in a QHP Through the Exchange (§ 155.315)

a. Verification of Residency

We are not proposing any changes to the existing regulatory requirements in § 155.315(d) related to verification of residency for the reasons described further in this section. However, we are considering the feasibility of new residency verification requirements and are seeking comment on whether the existing requirements to verify residency should be updated in the final rule or in future rulemaking to reflect advancements in technology and the availability of new data sources or alternative verification methods. We acknowledge that historically, verifying residency has been challenging for Exchanges due to a variety of reasons that we discuss in this section, however, we are seeking comment on whether there are ways to overcome these past challenges to allow Exchanges to begin to transition from primarily accepting an applicant's self-attestation of residency without verification, except in limited circumstances where an Exchange has no other option.

Since the establishment of the Exchanges in 2014, the landscape has changed significantly, and, due to challenges Exchanges have faced over time, we have reevaluated our position that permitting Exchanges to accept an applicant's attestation of residency without further verification may no longer be appropriate and a risk to Exchange program integrity. We hold this view because of the increased number of unauthorized enrollments of consumers in Exchange coverage by agents, brokers, and web-brokers, achieved in part through inaccurate residency attestations. Therefore, we seek comment on how (1) Exchanges can move away from primarily accepting self-attestation of residency without further electronic or manual verification to an alternative verification method or procedure; (2) how Exchanges can potentially strengthen requirements to verify residency, including new methods that Exchanges might employ in the short and long term to improve program integrity; and (3) whether the final rule should require Exchanges to adopt such methods so that accepting self-attestation of residency is limited to circumstances where there is truly no other option for an Exchange to electronically or manually verify residency. We may finalize one or more of the approaches discussed in this section rather than retaining the existing requirements at § 155.315(d), or consider alternative approaches suggested by commenters for future rulemaking, if necessary. We acknowledge that any residency verification method discussed in this section would require a period of implementation that is likely not feasible to complete in time for PY 2028. Thus, we additionally solicit comment, particularly from State Exchanges, on the anticipated time that would be needed to implement any such residency verification methods. When providing comments, we also welcome robust solutions that take into consideration ongoing operational costs for States, the Federal Government, and Exchanges.

To be eligible for enrollment in a QHP, an applicant or enrollee must reside in the State where an Exchange is established per section 1312(f) of the Affordable Care Act, and § 155.305(a)(3) specifies the residency requirements an applicant or enrollee must meet to be eligible for enrollment in a QHP. Generally, with some exceptions, an applicant or enrollee who is age 21 or over and not living in an institution meets the residency requirements if the applicant or enrollee (1) is living and intends to reside in the service area of the Exchange; or (2) is living and has entered into a job commitment or is

seeking employment in the service area of the Exchange. An applicant or enrollee under age 21 and not living in an institution generally meets the residency requirements if they (1) reside in the service area of the Exchange; or (2) reside with a parent or caretaker who has met the residency standard for the service area of the Exchange. In addition, applicants or enrollees are not required to have a fixed address to meet the residency requirements; however, they must live in the State where they are applying for coverage with the intent to reside in that State. This is a critical protection for individuals experiencing homelessness or housing instability.

Section 1411 of the Affordable Care Act does not specify the data source or verification method that the Exchanges must use to verify residency. Therefore, under section 1411(d) of the Affordable Care Act, the Secretary of HHS has broad authority to specify any appropriate manner of verification for Exchanges to verify the residency requirements so long as it is accurate and appropriate. Generally, as outlined in § 155.315(d), if information provided by an applicant regarding residency is reasonably compatible with other information provided by the individual or in the records of the Exchange, an Exchange may either verify information with an electronic data source that is sufficiently current and accurate and minimizes administrative costs and burdens, or by accepting the applicant or enrollee's attestation without further electronic or manual verification. If the information provided by the applicant or the enrollee regarding residency is not reasonably compatible with other information provided by the individual or in the records of the Exchange, the Exchange is required to verify information with an electronic data source that is sufficiently current and accurate and minimizes administrative costs and burdens. If the information provided by the applicant or enrollee does not match the information returned via the approved data source, then a DMI is created in accordance with § 155.315(f).

Currently, we have not identified any single data source to verify residency for the FFE and SBE–FPs that is current, accurate, and minimizes administrative costs and burdens. Using the flexibility provided in section 1411 of the Affordable Care Act, we have implemented operations for the FFE and SBE–FPs to validate that the address provided by an Exchange applicant or enrollee is a real address, but it does not validate that the applicant or enrollee actually resides at that address. This validation process requires the applicant or enrollee to provide a home address on their Exchange application. Once the address is provided, the FFE or SBE–FP confirms whether the home address is within the service area of the Exchange where the applicant or enrollee is applying for coverage. The FFE or SBE–FP then attempts to validate the home address to ensure it exists by checking United States Postal Service (USPS) records, and the applicant or enrollee is prompted to either agree with their provided home address or accept a corrected address from USPS records. Address validation provides HHS with benefits such as better data quality and assurance that mail is delivered to a real address, which reduces downstream administrative costs associated with incorrect addresses. However, because it does not validate that an applicant lives at a specified address and given our ongoing concerns regarding unauthorized or potentially fraudulent enrollments, we are of the view that address validation is not enough and relying on self-attestation without further verification, is a program integrity risk and should only be reserved for instances where Exchanges have no other option to verify residency.

Over the years, we have explored options to successfully verify residency for applicants or enrollees applying for Exchange coverage and identified several challenges. The first challenge relates to the lack of available data sources that are current, accurate, and would minimize administrative burden. Historically, we have considered data sources such as a single database that an Exchange could directly query to verify information, similar to how Exchanges connect with Social Security Administration (SSA) to verify Social Security Numbers (SSNs). We have also considered verification services provided by third-party companies that generally use multiple data sources or have their own proprietary verification product or method to verify residency. This is similar to the optional Verify Current Income Hub (or ''Hub'') service Exchanges may use to verify a consumer's projected household income. As we noted earlier in this section, there is no data source or other verification method mentioned in the statute for the verification of residency, although the Secretary of HHS may specify one as needed. This means that to implement a stronger process for residency verification, we would need to identify a suitable data source (or multiple ones), verification service, or another process to meaningfully verify a consumer's residency, as well as create a DMI process to resolve verifications for any consumers for whom we cannot verify residency through either a data source or a verification service.

We are of the view that States and State Exchanges generally are better positioned to verify residency for insurance affordability programs such as Medicaid and CHIP and for QHP coverage because they have access to a variety of State data that could be leveraged to verify residency. For example, States and State Exchanges likely have access to data sources specific to their State, such as the State Directory of New Hires or quarterly wage and unemployment insurance data from State workforce agencies (the underlying data that is reported in the National Directory of New Hires (NDNH)), which are currently unavailable to Exchanges on the Federal platform, in addition to casework conducted in their State at the local level.

Another challenge to verifying residency is that we would need to determine which document(s) would be acceptable to successfully verify an applicant or enrollee's residency in accordance with § 155.315(f), when any approved data source could not do so. Certain populations may be harder than others to verify through documentation, such as consumers living with roommates, consumers who sublease, or consumers who move frequently. If we require a new residency verification process, and we continue to be unable to electronically verify residency for many applicants or enrollees, Exchanges would have to establish a DMI process for residency to manually verify residency through document submission for many applicants or enrollees. As a result, total DMI volumes would increase, and could lead to increasing operational costs for Exchanges.

After exploring the challenges related to implementing residency verification, we considered several potential approaches to adjust residency verification for applicants or enrollees applying for Exchange coverage with APTC and CSRs. The first approach we considered was imposing additional residency verification for all Exchange consumers. In 2024, we conducted an address matching pilot with LexisNexis to determine the feasibility and accuracy of using that verification service for residency verification. This pilot was limited to Exchanges on the Federal platform. During the pilot, we found that data was only available for about half of the pilot population, likely due to consumers who move frequently or do not update their addresses in a

timely manner after a move. Based on the pilot and past experience with DMIs, we estimate that about half of all Exchange applicants or enrollees would receive a DMI and be required to submit documentation to verify their residency, due to the lack of data available for verifying residency. Ultimately, we determined that the low rate of data matching combined with the potential costs of using the LexisNexis service did not meet the regulatory standard for using LexisNexis as a data source.

Another approach we considered to verify residency for all Exchange applicants was contracting with the IRS, a data broker, or both, to develop a Hub service that could verify residency. From our research, we determined that, like our pilot with LexisNexis, any of the available data brokers or government agencies that could create a Hub service to verify residency would likely encounter similar coverage rates and result in a large portion of consumers receiving residency DMIs.

A third approach we considered was a risk-based approach to target applications with a higher risk of insurance fraud. Based on our own experience, residency fraud on the FFE is largely driven by instances of residential health care providers, frequently associated with sober living facilities, working with unlicensed agents (known as ''body brokers'') to direct consumers to misrepresent their State of residence so that the provider receives greater compensation from a plan with more generous out-of-network benefits. This type of residency fraud typically occurs in States where QHP issuers offer more generous out-of-network benefits, usually in States that are large geographically but have a small population. This fraud has been identified when QHP issuers have requested QHP rescissions [4] due to the applicant's or enrollee's misrepresentation of their State of residence. We have also identified other factors that could signal an application has a higher fraud risk including mailing addresses outside of the State in which an applicant or enrollee is applying for coverage, or applications in States with high rates of fraud. However, we cannot identify enrollments resulting from transactions with ''body broker'' agents directly and efficiently. We estimate that to be able to adequately identify such enrollments, we would need to use a broad sampling methodology that casts a very wide net, such as verifying the enrollments of entire States to uncover instances of fraudulent activity. This would be costly and does not solve the challenges Exchanges would still face regarding lack of reliable data sources to use in a risk-based verification approach, or the challenges consumers might face to secure suitable documentation to prove their residency, examples of which are discussed above. Therefore, we concluded that a risk-based approach may not be the best approach either, but we welcome comment from interested parties, in particular States and State Exchanges to share their experiences, if they have tried implementing risk-based approaches.

We are of the view that there may be additional solutions, such as leveraging federated identity (ID) verification sources, that can reasonably verify a consumer's provided address. Such solutions provide Exchanges with a higher degree of assurance as addresses are associated with applicants who have verified their identities through standards-based identity proofing mechanisms. Similar to how other Federal agencies use federated ID verification sources to link a claimed identity with a real individual, we are of the view that Exchanges could leverage such verification methods to verify both identity and residency at once and may alleviate many of the challenges Exchanges have faced in the past with limited coverage or out-of-date data sources. Furthermore, because federated ID verification sources create a unique digital identity tied to a specific individual, we are of the view that this could reduce potential fraudulent activities and create more trust in the self-attestations of residency that applicants with verified identities provide on their applications. We are also of the view that this verification method would deter bad actors from pursuing some insurance fraud schemes. This solution could operate in addition to the address validation checks that the FFE and SBE–FPs conduct today to ensure that the provided address is standardized and deliverable. We are considering requiring Exchanges to use federated ID verification and invite comments on its use as a residency verification source.

Additionally, recognizing that availability of data between States and Exchanges is a challenge, we are also interested in exploring the idea of mutual data sharing between States and Exchanges, to the extent permitted under applicable law, to alleviate the challenges States and Exchanges all face regarding residency verification. One avenue to achieve such mutual data exchange could be through the Hub, whereby States and State Exchanges could make available State data sources through the Hub for all requestors, namely the FFE, SBE–FPs, other State Exchanges, and State Medicaid Agencies, to access. We are of the view that access to more data streams could further mitigate unauthorized enrollments and residency fraud. Therefore, we also seek comment on whether States are able to share their residency data with HHS to facilitate verifications for their State's consumers, as well as any barriers that could prevent States from sharing data with HHS, such as State law, and whether statutory or regulatory changes in their respective State laws would be necessary for them to be able to do so. We also invite comment on any data quality standards that we should consider to ensure that these data are current, accurate, and minimize administrative costs and burdens. Finally, we seek comment from State Exchanges and State Medicaid agencies about their experiences with verifying residency and any challenges they currently face.

Based on all the considerations laid out in this section, we are of the view that without a more robust residency verification process, the risk of applicants or enrollees, and potentially agent, broker, or web-broker bad actors inappropriately attesting to residing in a State or at a particular address to receive Exchange coverage remains. We want to emphasize that it is imperative, to the extent practical, that Exchanges exercise program integrity measures to discourage potentially fraudulent behavior in this area and that is why we are considering options for requiring new methods of residency verification, such as by using federated ID verification and are seeking comment from interested parties on other potential data sources that might be more economical for States and/or the Federal Government to procure.

At this time, we do not propose changes to the current regulatory requirements regarding verification of residency as outlined in § 155.315(d); however, we may instead require new methods of residency verification and are exploring options for Exchanges to strengthen residency verification using these new methods or through improving historically difficult to use data sources. We are using this proposed rule to solicit additional ideas for consideration to inform the final rule and potentially future policy and regulatory changes. We also seek comment on any additional Exchange operational updates that could be done in the near term for residency verification that could ultimately

[4] In accordance with § 147.128.

strengthen program integrity while protecting Exchange risk pools.

We seek comment on these proposed plans and invite interested parties to share their experiences with residency verification, including challenges, risk for residency fraud, feasibility of other verification approaches or methods such as risk-based approaches, and cost/budget impacts.

b. DMIs

We propose to amend § 155.315(f)(4)(ii) to state that Exchanges would generally not be permitted to authorize payment for APTC and CSRs for applicants who have DMIs described in § 155.315(c) for citizenship status or lawful presence status; § 155.315(d) for residency; § 155.320(b) for eligibility for MEC other than through an employer sponsored plan; § 155.320(c)(3) for annual household income, family size, and eligible noncitizen status; and § 155.320(d) for enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, until such DMIs are adjudicated and applicants are determined eligible for APTC and CSRs, as applicable. We also propose in § 155.315(f)(4)(ii) to exempt those who qualify for an SEP due to a change in family size as described under § 155.420(d)(2) from the verification requirements described in proposed new § 155.315(f)(4)(ii), which is described in section III.A.4.c. of this proposed rule.

Additionally, we propose to add § 155.315(f)(4)(iii) to establish the requirements related to providing APTC and CSRs during inconsistency periods described in § 155.315(f)(4)(ii) created from an eligibility redetermination when the information related to the DMIs described in § 155.315(f)(4)(ii) was previously verified for the plan year. This is described in section III.A.4.d. of this proposed rule. We also propose to add new § 155.315(f)(4)(iv) to establish that Exchanges would be required to determine eligibility for APTC and CSRs on behalf of an applicant following successful verification of information as described in proposed new § 155.315(f)(4)(ii), and to establish new effective dates of those eligibility determinations or redeterminations. We additionally propose to add § 155.315(f)(4)(v) specifying that applicants with DMIs other than those described in proposed § 155.315(f)(4)(ii) are able to receive APTC and CSRs during the inconsistency period if eligible based on the information provided on their application. Finally, we propose to amend § 155.315(f)(4)(i) to remove language around proceeding with all other elements of eligibility determination to align with proposed changes to § 155.315(f)(4)(ii).

(i) Statutory and Regulatory Overview

(A) Applicable enrollment information

As described in section II.A. of this proposed rule, under section 36B(c) of the Code, a taxpayer is only allowed PTC for months that are considered coverage months for the taxpayer or other individuals in the taxpayer's family. Section 71303(a) of the WFTC legislation added section 36B(c)(5) of the Code to provide that, starting in 2028, a month is generally not a coverage month for an enrollee in a QHP for any month that an Exchange fails to verify specific criteria related to the enrollee's eligibility to enroll in a QHP through an Exchange and, to the extent relevant, for APTC for the coverage for that month, referred to as ''applicable enrollment information''. The specific criteria include household income and family size, whether the individual is an eligible alien, any health coverage status or eligibility for coverage, place of residence, and other information determined by the Secretary of the Treasury in consultation with the Secretary of HHS. As outlined in the Department of Treasury's Premium Tax Credit proposed rule (PTC proposed rule), ''any health coverage status or eligibility for coverage'' refers to ''minimum essential coverage'' as interpreted by the Department of Treasury (91 FR 65499), which aligns with § 155.20 which says the term MEC has the meaning given in section 5000A(f) of the Code. Additionally, as explained later in this section, the Secretary of the Treasury has proposed regulatory changes to include lawful presence status and citizenship in addition to the explicitly referenced criteria.

(B) Application to APTC and CSRs

Section 1411 of the Affordable Care Act outlines the requirements for establishing eligibility for QHP [5] and APTC. We interpret section 1411(a)(2)(A) of the Affordable Care Act as requiring Exchanges to make APTC eligibility determinations consistent with the PTC eligibility requirements of 36B of the Code,[6] including for whether an applicant has met the requirements for a month to be considered a coverage month. Therefore, we read section 71303(a) of the WFTC legislation as requiring verification of specified information before APTC can be paid.

Additionally, section 1402 of the Affordable Care Act outlines requirements for CSRs. Specifically, section 1402(g)(2) states that CSRs cannot be allowed for months that are not coverage months for PTCs as defined under section 36(B) of the Code. Given this, we have also interpreted section 1402(g)(2) of the Affordable Care Act to require that an Exchange only provide CSRs for months that qualify as coverage months under section 36B of the Code, and therefore we find the new eligibility limitations on APTC also apply to Exchange determinations of eligibility for CSRs. As discussed later in this rule, there is an exception for CSRs for American Indians and Alaska Natives (AI/AN) that are not income based.

Therefore, given the changes outlined under section 36B of the Code as amended by section 71303(a) of the WFTC legislation as discussed above, we propose that Exchanges can no longer provide APTC and CSRs for any month before an Exchange ''verifies, using applicable enrollment information that shall be provided or verified by the applicant'' the individual's eligibility to enroll in a QHP through an Exchange and for APTC. Throughout this rule, ''DMI(s) related to applicable enrollment information'' means a DMI for at least one of the specific criteria set forth in proposed § 155.315(f)(4)(ii), as described in section III.A.4.b.i.A. of this proposed rule. For an applicant who is not eligible for the family size SEP waiver as described in section III.A.4.c. of this proposed rule, or for an eligibility redetermination during the plan year as described in section III.A.4.d. of this proposed rule, such a DMI prevents an Exchange from providing or increasing any APTC and CSR amounts during the inconsistency period. The term therefore excludes DMI for one of the specific criteria set forth in proposed § 155.315(f)(4)(ii) when the family size SEP waiver applies, as discussed in section III.A.4.c. of this proposed rule, as well as during an eligibility redetermination during the plan year, as discussed in section III.A.4.d.of this proposed rule.

(C) Requirement To Verify

Section 71303(a) of the WFTC legislation does not specify how eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, must be ''verif[ied]'' using applicable

[5] When referencing QHP in this rule, this specifically refers to coverage in an individual market QHP offered through an Exchange. In accordance with section 1411(a)(1) of the Affordable Care Act, Exchange eligibility requirements described in this proposed rule would generally not apply to QHPs that are offered outside an Exchange.

[6] See, for example, in the 2027 Payment Notice proposed rule (91 FR 6351).

enrollment information. However, section 1411 of the Affordable Care Act specifies detailed requirements for verifying eligibility for enrollment in a QHP and for APTC and CSRs, which have been codified in §§ 155.315 and 155.320. Therefore, we read the term ''verify'' in section 71303(a) of the WFTC legislation to refer to verification procedures under section 1411 of the Affordable Care Act, its implementing regulations, and any successor or other applicable regulations as may be issued.

Under section 1411 of the Affordable Care Act, applicants attest to information related to eligibility for enrollment in a QHP offered through the Exchange and APTC and CSRs, if applicable, on their Exchange application, and Exchanges verify the attestations. For most eligibility information, Exchanges must verify an applicant's attestation by comparing it to a trusted data source. For other eligibility information, Exchanges may accept attestation without verification, although as discussed in other sections of this proposed rule (section III.A.4.a. for residency verification and III.A.5. for family size verification) we are considering adopting requirements that would further limit instances where verification by self-attestation would be permissible, unless there are no available data sources that are current, accurate, and minimize administrative costs or burdens, or methods to verify the information provided by a consumer. We describe the verification process for different eligibility information below.

Section 1411 of the Affordable Care Act requires that Exchanges verify certain information through specific government entities: the Commissioner of Social Security and Secretary of Homeland Security for citizenship and lawfully present immigration status, and, beginning in PY 2027, eligible noncitizen [7] statuses in section 1411(c)(2), and the Secretary of Treasury for household income and family size in section 1411(c)(3). Per current Exchange procedures, for citizenship and immigration statuses under § 155.315(c), and, beginning in PY 2027, eligible noncitizen status [8] and household income under § 155.320(c)(3), Exchanges are generally required to request information from the specified trusted data sources, as applicable, to verify the applicant's attestation. In the case of family size, current requirements in § 155.320(c)(3)(i) state that Exchanges are generally permitted to accept the applicant's attestation without further verification when family size cannot be verified through the IRS.[9] As described further in section III.A.5. of this proposed rule, we are interested in comments related to the future state of family size verification.

For other criteria, such as residency, enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, and eligibility for MEC other than through an eligible employer-sponsored plan, the Affordable Care Act does not prescribe specific data sources to use, and instead section 1411(d) of the Affordable Care Act gives the Secretary of HHS the flexibility to determine the verification process in any manner the secretary determines appropriate.[10] For residency under § 155.315(d), Exchanges generally may accept attestation or may use any electronic data sources that have been approved by HHS based on evidence that they are sufficiently available, current, accurate, and minimize administrative costs and burden. Currently, the FFE, SBE–FPs, and some State Exchanges, accept attestation, while other State Exchanges utilize data sources to request information and attempt to verify attestation. However, we are interested in exploring potential ways for Exchanges to move away from primarily accepting self-attestation without further verification to verify residency through a trusted data source or documentation in the near future. Further information is available in section III.A.4.a. of this proposed rule.

For enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, under § 155.320(d), Exchanges must use: (1) any electronic data sources that HHS has approved as being sufficiently current, accurate, and minimizing administrative burden; (2) any electronic data sources that provide data on coverage based on Federal employment, and (3) any data available for the Small Business Health Options Program (SHOP) in the applicable State. HHS has not approved any data sources as being sufficiently current, accurate, and minimizing administrative burden. Therefore, Exchanges are only required to verify eligibility and enrollment in employer-sponsored coverage electronically with the Office of Personnel Management (OPM) and the applicable SHOP. If those data sources indicate that the consumer is enrolled in eligible employer-sponsored plan or eligible for qualifying coverage in an eligible employer-sponsored plan, then the consumer receives a DMI and is required to submit documentation to verify their attested information. Finally, if an Exchange does not expect to obtain data from at least one electronic data source that has been approved by HHS to be sufficiently current, accurate, and minimize administrative burden, it may follow an alternative process described in paragraph (d)(4)(i). Specifically, an Exchange may use a risk-based approach to verify whether an applicant is enrolled in an eligible employer-sponsored plan or eligible for qualifying coverage in an eligible employer-sponsored plan. If an Exchange's assessment of risk shows a low risk for inappropriate payment of APTC or CSRs, an Exchange is permitted to accept an applicant's attestation without further verification.

In the HHS Notice of Benefit and Payment Parameters for 2023 final rule (2023 Payment Notice) (87 FR 27208, 27270 and 27271), we provided guidance that if Exchanges do not have access to an approved data source that provides accurate and up-to-date information regarding eligibility for or enrollment in coverage offered through an employer and determined through research that the risk of improper eligibility determinations for APTC and CSRs is low, that Exchanges are permitted to accept a consumer's attestation without any further verification. This is the verification procedure that the FFE and SBE–FPs adopted as a risk-based approach since the risk for inappropriate APTC and CSRs was deemed to be low, as discussed in the 2023 Payment Notice. Because we are still of the view that the risk is still low of improper eligibility determinations for APTC and CSRs resulting from attestations regarding eligibility for an employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, we do not propose any changes to the process for verifying such information. Accordingly, Exchanges are permitted to continue following whatever approved risk-based approach they currently are approved to use by HHS.

Finally, under § 155.320(b), for verification related to eligibility for MEC other than through an eligible employer-

[7] See 91 FR 29601–29602.

[8] See 91 FR 29601–29602.

[9] The verification requirements for eligible noncitizen status, household income, and family size apply only to applicants applying for financial assistance.

[10] The verification requirements for enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, and eligibility for MEC other than through an eligible employer-sponsored plan apply only to applicants applying for financial assistance.

sponsored plan, such as Medicaid and Medicare, Exchanges use electronic data sources to verify applicants' attestations.

Regardless of the type of eligibility information, section 1411(e)(3) and (e)(4)(B)(i) of the Affordable Care Act require that, when application information is required to be verified through a trusted data source but cannot be, Exchanges must set a DMI and provide applicants 90 or 95 days (depending on the type of DMI) to provide documentation to resolve the DMI. Exchanges must determine eligibility for QHP coverage and APTC and CSRs based on attested information on the application and provide such coverage and APTC or CSRs, as applicable, during the inconsistency period. Accordingly, in the March 27, 2012, Exchange Establishment Rule (77 FR 18310), we finalized that Exchanges must determine eligibility for APTC and CSRs for applicants based on attested information on the application during an inconsistency period, which was done through adding § 155.315(f)(4). Specifically, § 155.315(f)(4)(i) and (ii) currently require Exchanges to proceed with all other elements of eligibility determination using the applicant's attestation during an inconsistency period and grant QHP eligibility if otherwise qualified, provided that the applicant attests that they understand their APTC is subject to reconciliation when they file their Federal income taxes. This means that, currently, consumers who receive DMI(s) are deemed eligible for QHP coverage through Exchanges and, if applicable, APTC and CSRs, based on the information on their application while those DMI(s) remain open (as long as the attestation is provided if required).

As set forth in § 155.315(f)(2)(ii), Exchanges can resolve a DMI either when the consumer submits sufficient documentation to verify their attested information or when Exchanges receive updated information from data sources that verifies the attested information. Once a DMI is resolved, the applicant's eligibility is verified, and they can continue receiving QHP coverage through the Exchange and APTC and CSRs as applicable. However, as noted in § 155.315(f)(5), if an Exchange is unable to resolve a DMI within the 90/95-day inconsistency period, an Exchange redetermines eligibility based on information from data sources, typically resulting in a loss of enrollment in QHP coverage or a loss or decrease in APTC and CSRs. In cases of an application with multiple applicants, eligibility is determined for each applicant who has a DMI, with the exception of DMI types that apply at the household level, such as annual household income DMIs, in which case the DMI applies to the entire household. Applicants who update their application during the coverage year and receive an eligibility redetermination follow the same process as outlined above.

While this is the current process, as discussed above, we read section 71303(a) of the WFTC legislation to generally prohibit Exchanges from providing APTC and CSRs for any month before it has verified, using certain specified information, a consumer's eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, for those months. Also as previously mentioned, we read that the requirement to ''verif[y]'' such information to mean to verify in accordance with section 1411 of the Affordable Care Act and implementing regulations. For citizenship, lawfully present immigration status, eligible noncitizen status, and annual household income, Exchanges must verify an applicant's attestation through a trusted data source, and if the trusted data source cannot verify the attestation, set a DMI and provide an applicant with a 90/95-day inconsistency period to provide documents to resolve their DMI. Therefore, we read section 71303(a) of the WFTC legislation to prohibit payment of APTC and CSRs for any month before an Exchange verifies an applicant's attestation regarding citizenship, lawfully present immigration status, eligible noncitizen status,[11] and annual household income through a trusted data source or, if the applicant's attestation cannot be verified through a trusted data source, until the applicant provides documents to resolve their DMI and they have been determined eligible for APTC and CSRs.

Regarding verification of family size, Exchanges must submit family size information to the Secretary of Treasury for verification. However, per § 155.320(c)(3)(i)(A), if the Secretary of Treasury cannot verify family size, Exchanges may accept an applicant's attestation of family size if the consumer attests that a change in circumstance has occurred or is likely to occur, as long as the data provided by the applicant is reasonably compatible with other information provided about their family. More information regarding family size verification can be found in section III.A.4.c. of this proposed rule.

In contrast, for verification of residency, enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, and eligibility for MEC other than through an eligible employer-sponsored plan, section 1411(d) of the Affordable Care Act does not specify specific data sources to use. As such, and as explained above, HHS regulations sometimes require attestations about such information to be verified through a trusted data source, or, if the trusted data source cannot verify the information, through documentation, and other times permit Exchanges to verify such information through attestation.

Therefore, we read section 71303(a) of the WFTC legislation to prohibit payment of APTC and CSRs for any month before an Exchange verifies residency, enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan, eligibility for MEC other than through an eligible employer-sponsored plan, and family size—however verification is required under section 1411 of the Affordable Care Act, its implementing regulations, and any successor or other applicable regulations as may be issued, and we are exploring further updates to residency and family size verification as outlined further in sections III.A.4.a. and III.A.4.c. of this proposed rule. Additionally, we emphasize that some State Exchanges may have data available to them that are sufficiently current, accurate, minimizes administrative burden, and approved by the Secretary of HHS for usage and therefore may already be setting DMIs for criteria that the Federal Exchange currently does not, and this proposed rule does not limit State Exchanges from setting DMIs in those instances. In summary, when attestations about such information must be verified through a trusted data source or documentation, we read section 71303(a) of the WFTC legislation to prohibit payment of APTC and CSRs until such verification is complete.

As such, we are proposing to amend § 155.315(f) to reflect the new requirement of section 71303(a) of the WFTC legislation. Specifically, we propose in § 155.315(f)(4)(ii) that if an applicant receives a DMI related to the applicable enrollment information, Exchanges would be prohibited from providing APTC and CSRs until those DMIs are adjudicated and the Exchange determines that the applicant is eligible for enrollment in a QHP and for APTC and CSRs, as applicable. In contrast, for a DMI not related to applicable enrollment information, or if a family size SEP waiver applies, as discussed in section III.A.4.c. of this proposed rule, and during eligibility redeterminations

[11] PTC proposed rule (91 FR 65498).

during the plan year, as discussed in section III.A.4.d. of this proposed rule, Exchanges would be required to continue payment APTC and CSRs, if otherwise eligible, during an inconsistency period. Specifically, this includes DMIs for AI/AN status.

We acknowledge that section 71303(a) of the WFTC legislation could be read to allow Exchanges to always treat an applicant's information as ''verified'' such that a month can be considered a ''coverage month'' if the applicant affirms (that is, attests to) the required information. As previously mentioned, section 71303(a) of the WFTC legislation added section 36B(c)(5)(A) of the Code, effective beginning in 2028, and section 36B(c)(5)(A) states that a coverage month cannot include any month before an Exchange ''verifies, using applicable enrollment information that shall be *provided or verified* by the applicant, such individual's eligibility'' to enroll in a QHP or receive APTC. (Emphasis added). Section 71303(a) of the WFTC legislation that added section 36B(c)(5)(B) of the Code, effective beginning in 2028, and section 36B(c)(5)(B) provides that ''applicable enrollment information shall include affirmation'' of the specified criteria. One could read these provisions together as permitting Exchanges to verify an applicant's eligibility using only the applicant's provided affirmation (or attestation) of the enumerated eligibility criteria, rather than using an external data source or submitted documentation. However, as explored further below, we are of the view that this reading of section 71303(a) of the WFTC legislation is implausible.

As discussed previously in this proposed rule, given that the term ''verifies'' is ambiguous in section 71303 of the WFTC legislation, the statutory language is best read to mean that an Exchange verifies the specified criteria in accordance with the verification procedures articulated in section 1411 of the Affordable Care Act, its implementing regulations, and any successor or other applicable regulations as may be issued.[12] These successor applicable regulations include potential future updates to perform further verification of residency beyond accepting attestation, as described in section III.A.4.a. of this proposed rule. This is supported by the language in section 71303(a) of the WFTC legislation stating that an Exchange must verify eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, using the specified information ''provided'' or ''verified'' by the applicant. We read that the terms ''provided'' and ''verified'' to refer to the verification procedures under section 1411 of the Affordable Care Act and implementing regulations which, as explained previously in this proposed rule, allow Exchanges to verify some eligibility criteria using an attestation provided by the applicant and which require further verification from a trusted data source or documentation in the case of other eligibility criteria. Given that the WFTC legislation does not prescribe any new specific methods of verification, we read it as permitting existing verification processes to continue, except that generally a month may not be a coverage month, and therefore no APTC or CSRs can be provided, until verification under section 1411 of the Affordable Care Act, its implementing regulations, and any successor or other applicable regulations as may be issued, is complete. As previously stated, we are requesting comments on whether updates should be made to the verification of residency as defined under § 155.315(d), which is discussed further in section III.A.4.a. of this proposed rule, and the verification of family size as defined under § 155.320(c)(3), which is discussed further in section III.A.5. of this proposed rule.

Additionally, we are of the view that reading section 71303(a) of the WFTC legislation to permit Exchanges to treat all attested information as verified would, effectively, render the changes under section 71303(a) meaningless as, under current rules, that reading would result in a month likely being considered a coverage month based on just an applicant's attestation of eligibility criteria. Therefore, we are of the view that the intention of the WFTC legislation is to rely on existing verification procedures in section 1411 of the Affordable Care Act, its implementing regulations, and any successor or other applicable regulations as may be issued for purposes of verification under section 71303 of the WFTC legislation.

In summary, due to the new requirements in section 71303 of the WFTC legislation, we are of the view that APTC and CSRs cannot be provided to consumers when eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, have not been verified using the specified criteria in accordance with section 1411 of the Affordable Care Act and implementing regulations—which allows certain information to be verified through attestation and which requires certain other information to be verified by either a trusted data source or documentation provided by the applicant during an inconsistency period. Therefore, we have determined that significant changes to the verification procedures in § 155.315(f)(4) related to providing APTC and CSRs during an inconsistency period are required. These changes are described below.

(ii) APTC and CSRs During Certain Inconsistency Periods (§ 155.315(f)(4)(ii))

As described in section II.A. of this proposed rule, section 71303(a) of the WFTC legislation describes the specific criteria that must be verified before a month is considered a coverage month. These criteria are household income and family size; whether an individual is an eligible alien; any health coverage status or eligibility for coverage; place of residence; and other information as may be determined by the Secretary of Treasury, in consultation with the Secretary of HHS, as necessary to the verification described in section 36B(c)(5)(A) of the Code, as added by section 71303(a) of the WFTC legislation. Per the PTC proposed rule (91 FR 65498), the Secretary of the Treasury proposes to include citizenship and lawful presence status as criteria under section 36B(c)(5)(B)(v) of the Code that must be verified before a month can be a coverage month. Therefore, in light of the Secretary of Treasury's PTC proposed rule, and our interpretation of section 1411(a)(2)(A) of the Affordable Care Act that Exchanges must make APTC eligibility determinations consistent with the PTC eligibility requirements of section 36B of the Code, we are proposing to require citizenship and lawful presence be verified before Exchanges can provide APTC or CSRs.

Accordingly, when an applicant receives a DMI for annual household income and family size, citizenship, lawful presence status, eligible noncitizen status, residency, eligibility for MEC other than through an employer-sponsored plan, or eligibility

[12] We note that neither the current verification processes conducted by Exchanges, nor the proposed verification processes that would be conducted by Exchanges if the proposals in this rule were finalized, would in any way change the obligations of agents, brokers, and web-brokers to comply with the FFE Standards of Conduct at 45 CFR 155.220(j), including the obligation to provide the FFEs with correct information, and document that eligibility application information has been reviewed by and confirmed to be accurate by the consumer or their authorized representative prior to submission to the Exchange. *See* 45 CFR 155.220(j)(2)(ii). These obligations extend to agents, brokers, and web-brokers assisting consumers on the SBE–FPs. *See* 45 CFR 155.220(l).

for or enrollment in employer-sponsored coverage,[13] we propose that any DMI generated for these applicable enrollment information would need to be adjudicated by an Exchange (that is, the applicant's eligibility for APTC and CSRs must be verified) before APTC or CSRs can be paid for the applicant for any months, including prior months as described later in section III.A.4.b.iv. of this proposed rule. We note that although lawful presence status is included in these criteria and would be required to be verified before APTC and CSRs are provided, we do not expect this would have a functional impact on Exchanges. Beginning in PY 2027, only consumers who have eligible noncitizen status as defined in § 155.20 are eligible for APTC and CSRs. Eligible noncitizens are a subset of lawfully present noncitizens, specifically individuals who have been lawfully admitted for permanent residence (sometimes referred to as a ''lawful permanent resident'' or ''green card holder''), those who have been granted the status of Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980, and those who are lawfully residing in the United States in accordance with the Compacts of Free Association (COFA) as defined at 8 U.S.C. 1612(b)(2)(G) (sometimes referred to as a ''COFA migrant''). We anticipate that, given Exchange operations, the functional impact of the proposed requirement to verify lawful presence status would be handled through the verification of eligible noncitizen status per § 155.320(c)(3)(ix).

Notwithstanding the above, as mentioned earlier in this section, section 71303(a) of the WFTC legislation provides for an exception to the verification requirements described in section 36B(c)(5)(A) of the Code. Specifically, section 71303(a) of the WFTC legislation adds section 36B(c)(5)(E) of the Code, which allows the Secretary of Treasury to waive the verification requirements (for coverage month purposes) for applicants who enroll during an SEP based on a change in the applicant's family size, including current enrollees who are eligible to enroll due to a family size SEP. As a result, and consistent with the PTC proposed rule (91 FR 65494), we are proposing in § 155.315(f)(4)(ii) to require Exchanges to provide this exception for SEPs where an applicant, or a member of their household, has a qualifying life event related to a change in family size, such as birth or adoption of a child. Further information about this proposal is provided in section III.A.4.c. of this proposed rule and in the PTC proposed rule (91 FR 65499). In addition, as discussed in section III.A.4.d. of this proposed rule, we are also proposing modified procedures when an eligibility redetermination results in DMIs related to applicable enrollment information that was previously verified for the plan year.

Additionally, for the reasons described in section III.A.4.b.i. of this proposed rule, we are not proposing to amend the Exchanges verification requirements except to prohibit (in most situations) payment of APTC and CSRs before eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, have been verified in accordance with section 1411 of the Affordable Care Act, its implementing regulations, and any successor or other applicable regulations as may be issued is complete. We discuss below in more detail the current process for verifying enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan. Additionally, we are requesting comments on whether updates should be made to the verification of residency as defined under § 155.315(d) and discussed further in section III.A.4.a. of this proposed rule and the verification of family size as defined under § 155.320(c)(3) and discussed further in section III.A.5. of this proposed rule.

In addition, while section 71303 of the WFTC legislation does not specifically mention CSRs, we are also of the view that Exchanges are required to withhold CSRs during the specified inconsistency periods. As mentioned earlier in this section, section 1402(g)(2) of the Affordable Care Act, which is codified in § 155.305(g), outlines that applicants are only eligible for CSRs for months in which they are also eligible for APTC and meet all other CSR eligibility criteria. Therefore, we propose to require Exchanges to withhold CSRs prior to an Exchange having verified eligibility for enrollment in a QHP and for APTC and CSRs using the applicable information required under section 36B(c)(5) of the Code.

One important clarification is that the special cost-sharing rule specific to AI/AN applicants specifically for items and services provided through the Indian Health Service, an Indian Tribe, Tribal Organization, an Urban Indian Organization, or through referrals under contracted health services (hereinafter ''Indian health providers'') under section 1402(d)(2) of the Affordable Care Act, and implemented in § 155.350(b), is not impacted by new requirements in section 71303 of the WFTC legislation because it is not conditioned on being eligible for APTC. Under § 155.350(b), Exchanges must determine an AI/AN applicant eligible for special cost-sharing described in section 1402(d)(2) of the Affordable Care Act without requiring them to request an eligibility determination for insurance affordability programs in accordance with § 155.310(b). To clarify, an individual who is a member of a Federally recognized tribe or is an ANCSA Corporation shareholder may be subject to cost sharing under the special cost-sharing rule even if they do not apply for any financial assistance (as in, APTC and CSRs) when they apply for QHP coverage through an Exchange or if they apply but are determined ineligible.

In contrast, income-based CSRs that AI/AN applicants may receive are tied to APTC eligibility, as described in § 155.350(a), and therefore would be subject to the requirements proposed in this section. As an example, if a consumer who is a member of a Federally recognized tribe applies for QHP coverage through an Exchange with financial assistance, the Exchange would be required to follow the verification processes outlined in section 1411 of the Affordable Care Act and implementing regulations. In cases where they receive a DMI related to the applicable enrollment information, they would be able to receive cost sharing under the special cost sharing rule for AI/AN individuals for items and services provided through Indian healthcare providers, as previously described, but would not receive income-based CSRs until all DMIs related to the applicable enrollment information are adjudicated and they have been determined eligible for APTC and CSRs.

As an additional point of clarification, while we propose that Exchanges would be prohibited from determining an applicant eligible for APTC and CSRs during an inconsistency period for DMIs related to the applicable enrollment information, we are not proposing to prohibit Exchanges from determining eligibility for enrollment in a QHP during the same period, even if the DMI related to the applicable enrollment information is related to eligibility for enrollment in a QHP (such as citizenship or lawful presence status). Section 71303(a) of the WFTC legislation states that an individual's eligibility to enroll in a QHP and for APTC must be verified using applicable

[13] Consistent with the Secretary of Treasury in the PTC proposed rule (91 FR 65499), we interpret ''any health coverage status or eligibility for coverage'' to refer to ''minimum essential coverage'' as described in § 155.20.

enrollment information for a month to be considered a ''coverage month'' under section 36B of the Code. A coverage month is required for APTC and CSRs to be paid but has no bearing on an applicant's eligibility for enrollment in a QHP. Additionally, section 36B(c)(5)(D) of the Code, as added by section 71303(a) of the WFTC legislation, explicitly states that applicants cannot be treated as ineligible to enroll in a QHP through an Exchange solely for failing to meet the requirements to verify applicable enrollment information as required by section 36B(c)(5)(A) and (B) of the Code.

Therefore, we propose that an applicant would be required to be determined eligible for enrollment in, and may enroll in, a QHP during any period in which the applicant has any DMI, including when the DMI relates to information necessary to determine eligibility for a QHP, such as citizenship or lawful presence status, if otherwise eligible. Accordingly, we only propose a minor conforming edit to § 155.315(f)(4)(i), which would still state that Exchanges must provide eligibility for a QHP if an applicant is otherwise eligible during an inconsistency period. We note that an applicant who enrolls in a QHP during an inconsistency period related to QHP eligibility information must verify such eligibility by the end of their 90-day inconsistency period. If they fail to do so, their QHP enrollment through the Exchange would be terminated.[14]

In summary, we propose to amend § 155.315(f)(4)(ii) to state that Exchanges cannot provide APTC and CSRs based on attested information on the application when an applicant has a DMI related to the applicable enrollment information.

(iii) Eligibility Redeterminations During the Plan Year (§ 155.315(f)(4)(iii))

As previously stated, we propose to amend § 155.315(f)(4)(ii), which would prohibit Exchanges from providing APTC and CSRs based on application information during inconsistency periods for DMIs related to the applicable enrollment information. Exchanges would, therefore, be prohibited from providing APTC and CSRs during inconsistency periods as they currently do, including for the entire application household in cases of household-level DMIs such as those related to annual income and family size. However, for applicants who submit an application and receive new DMIs after they had previously verified all of the eligibility criteria specified in proposed § 155.315(f)(4)(ii) for the current plan year, we propose to add § 155.315(f)(4)(iii) to permit Exchanges to provide APTC and CSRs during an inconsistency period. This is discussed in detail in section III.A.4.d. of this proposed rule.

(iv) Resolution of DMIs (§ 155.315(f)(4)(iv))

We also propose to add new § 155.315(f)(4)(iv) to establish that Exchanges would be required to determine eligibility for APTC and CSRs on behalf of an applicant following a successful verification of the information described in § 155.315(f)(4)(ii) and to provide effective dates for the eligibility determination. Specifically, these proposed effective dates rules would apply to determinations and redeterminations in two circumstances. First, they would apply to determinations resulting from resolution of DMIs related to applicable enrollment information. Second, they would apply to redeterminations resulting from an applicant resolving all DMIs when the applicant would qualify for a greater amount of APTC than they were receiving during their inconsistency period upon DMI resolution—that is, DMIs described in proposed § 155.315(f)(4)(iii)(A). These rules would apply to the DMIs described in § 155.315(f)(4)(ii) and (iii)(A) because resolution of these DMIs would generally result in changes to a consumer's APTC and CSR eligibility. In contrast, when a DMI described in § 155.315(f)(4)(iii)(B) is resolved, such resolution would instead confirm the consumer's eligibility for the APTC and CSRs, as applicable, that they were already authorized to receive during their inconsistency period based on their attestation, and the amount of APTC and CSRs would remain the same.

We propose in § 155.315(f)(4)(iv)(A) that, if a consumer is already enrolled in a QHP when such DMIs are resolved by an Exchange, an Exchange would generally be required to implement the resulting APTC and CSR eligibility determination effective the first day of the first month in which all the following criteria are met: (1) an Exchange determined all eligibility criteria described in proposed § 155.315(f)(4)(ii) to be verified for that month, (2) the consumer was enrolled in a QHP on the first day of that month, and (3) the consumer's DMI was generated prior to the first of that month. This would allow APTC and CSRs to be paid prospectively, as well as retroactively, subject to the conditions described. We propose one exception to these rules, for cases where these rules would otherwise result in Exchanges being required to provide APTC for months in the prior coverage year. In these cases, we propose that Exchanges would not provide APTC for months in the prior coverage year, and consumers would instead claim any PTC for which they were eligible on their Federal income tax return.

This proposal would implement section 36B(c)(5)(C) of the Code, which was added by section 71303(a) of the WFTC legislation. Section 36B(c)(5)(C) of the Code provides that a month that begins before completion of the verification prescribed by section 36B(c)(5)(A) of the Code must be treated as a coverage month for an individual if the Exchange verifies (using applicable enrollment information) that the individual is eligible to enroll in a QHP and for APTC. This provision effectively requires an Exchange to provide APTC and CSRs, as applicable, retroactively after verification of applicable enrollment information.[15]

Section 36B(c)(2)(A)(i) of the Code requires an individual to be enrolled in a QHP as of the first of a month before the month can be a coverage month. Section 36B(c)(5)(A) of the Code provides, in relevant part, that a coverage month does not include any month that begins before the Exchange verifies an individual's eligibility to enroll in a QHP and for APTC. Accordingly, we propose that the retroactive period would go no further than the first of the month in which all the following conditions are met: an Exchange verified all eligibility criteria described in proposed § 155.315(f)(4)(ii), the consumer was enrolled in a QHP on the first day of that month, and the consumer's DMI was generated prior to the first of that month.

First, at § 155.315(f)(4)(iv)(A)(*1*), we propose that the retroactive period

[14] However, failure to meet eligibility requirements for enrollment through the Exchange generally is not a basis for a health insurance issuer to terminate health insurance coverage under the guaranteed renewability requirements of section 2703 of the Public Health Service Act and 45 CFR 147.106. Accordingly, an individual whose Exchange enrollment is terminated for failure to meet Exchange eligibility criteria generally would have a right to renew or continue in force such coverage outside the Exchange.

[15] As discussed throughout this proposed rule, we interpret section 1411(a)(2) of the Affordable Care Act to require Exchanges to make APTC eligibility determinations consistent with the PTC eligibility requirements of section 36B of the Code, including whether an applicant has met the requirements for a month to be considered a coverage month. Also as previously discussed, we have also interpreted section 1402(g)(2) of the Affordable Care Act to require that an Exchange only provide CSRs for months that qualify as coverage months under section 36B of the Code.

would not extend beyond the first day of the first month for which the Exchange verified all eligibility criteria described in proposed § 155.315(f)(4)(ii). This implements the requirement in section 36B(c)(5)(C) of the Code that a month beginning prior to verification only be considered a coverage month if the Exchange verifies the consumer's eligibility ''for such month.''

Under this proposal, Exchanges would be required to consider annual household income to be verified for months prior to the resolution of an annual household income DMI. This is because when verifying annual household income, Exchanges are verifying an individual's projected household income for the entire coverage year, and a successful verification therefore indicates that the individual's projection is considered verified for all months of the year unless and until a change is reported.

Exchanges would also be required to consider U.S. citizenship to be verified for months prior to the resolution of a U.S. citizenship DMI, if the consumer submits documents indicating that they are a U.S. citizen by birth, or that they are a naturalized citizen whose naturalization occurred prior to when they provided their attestation of U.S. citizenship to the Exchange. However, if an individual attests on their application that they are a U.S. citizen, receives a DMI, and subsequently submits documents that indicate that they became naturalized in a month following such attestation, then the Exchange would only be required to consider the individual's citizenship verified for the months that the submitted documents indicated that the individual was a U.S. citizen.

Similarly, if an individual attests to lawful presence or eligible noncitizen status, receives a DMI, and subsequently submits documents that indicate that they gained their lawfully present or eligible noncitizen status in a month following such attestation, then the Exchange would only be required to consider the individual's lawful presence or eligible noncitizen status verified for the months that the submitted documents indicated that the individual was lawfully present or an eligible noncitizen. If the individual submitted documents demonstrating that they gained their lawfully present or eligible noncitizen status in a month prior to their attestation, then the Exchange would be required to consider lawful presence and eligible noncitizen status, as applicable, to be verified for months prior to the resolution of the DMI.

Finally, if an individual attests that they are not eligible for MEC other than through an eligible employer-sponsored plan, receives a DMI, and subsequently submits documents that indicate that they ceased to be eligible for or enrolled in their other MEC in a month following such attestation, then the Exchange would only consider the individual's lack of eligibility for or enrollment in other MEC verified for the months the submitted documents indicated that the individual was not eligible for or enrolled in other MEC. If the individual submitted documents demonstrating that they were ineligible for or not enrolled in other MEC in a month prior to their attestation, then the Exchange would be required to consider this criterion verified for any applicable prior months.

Exchanges would be required to communicate to consumers regarding whether past months were successfully verified, and the impact of this verification outcome on the Exchange's determination of the consumer's APTC and CSR eligibility, via the notification required by § 155.310(g). We note that this notification would be required by § 155.515(a)(2) to include information about appeal rights. Existing regulations at § 155.505(b)(1) specify that applicants and enrollees have the right to appeal an Exchange's eligibility determinations, and we interpret this existing requirement to extend to eligibility determinations made on the basis of an Exchange's assessment regarding whether eligibility criteria were successfully verified for months prior to verification.

We acknowledge that Exchanges would need to make case-by-case determinations to determine whether each eligibility criterion can be considered verified for months occurring prior to verification. We request comment from State Exchanges regarding the feasibility of parsing whether applicable criteria can be considered verified for specific months as described.

Second, at § 155.315(f)(4)(iv)(A)(*2*), we propose that the retroactive period for which an Exchange may provide APTC and CSRs would not extend beyond the first day of the first month in which the enrollee is enrolled in a QHP. This is consistent with Section 36B(c)(2)(A)(i) of the Code, which requires an individual to be enrolled in a QHP as of the first of a month before the month can be a coverage month. Rules regarding Exchange enrollment periods and their effective dates are addressed at §§ 155.410 and 155.420, with some modifications proposed in sections III.A.9. and III.A.10. of this proposed rule.

Third, we propose at § 155.315(f)(4)(iv)(A)(*3*) that the Exchange's determination of an individual's APTC and CSR eligibility following the resolution of their DMIs related to applicable enrollment information may not be effective earlier than when the individual's DMIs were generated. We are proposing this rule to align with Exchanges' existing effective date framework, described at § 155.330(f), under which changes to eligibility are generally [16] implemented prospectively, in relation to when the consumer provides the attestations that produce such changes in eligibility. This proposal that an Exchange's determination of an individual's APTC and CSR eligibility following the resolution of their DMIs may not be effective earlier than when the individual's DMIs were generated ensures consistent effective dates for consumers who verify the applicable enrollment information electronically as compared to those who verify the applicable enrollment information via document submission during their inconsistency period. To illustrate, consider a consumer who does not provide or confirm their eligibility information for the upcoming coverage year, and is re-enrolled in a QHP without APTC or CSRs effective January 1.[17] If that consumer subsequently updates their application on January 10 and their applicable enrollment information are verified in real-time through trusted data sources on that same date, then, under the proposed effective date rules at § 155.330(f)(1), their redetermination of eligibility for APTC and CSRs would take effect prospectively, on February 1. If, instead, the same consumer updates their application on January 5, the Exchange opens a DMI related to the applicable enrollment information on the same date, and the DMI is resolved through document submission on January 10,

[16] Changes to eligibility may be implemented retroactively, in relation to when the consumer provides the attestations that produce such changes in eligibility, in the case that a consumer qualifies for an SEP due to gaining a dependent, described at § 155.420(b)(2)(i). However, because consumers who qualify for an SEP due to gaining a dependent would qualify for the waiver described at proposed § 155.315(f)(4)(ii), the effective dates described in this section would not be applicable to them, since the resolution of their DMIs would not produce a change in their APTC or CSR eligibility. These proposed effective date rules therefore would not permit changes in eligibility to take effect prior to when the consumer provided their attestation of a change in circumstance.

[17] See section III.A.7 of this proposed rule for further discussion of annual eligibility redeterminations.

then the effective date rules proposed in this section apply. Without the proposed policy at § 155.315(f)(4)(iv)(A)(*3*)—which would require that APTC and CSR eligibility determinations not take effect before the date the DMI was generated—the consumer could qualify for a January 1 effective date for their APTC and CSRs. Specifically, under the rules proposed at § 155.315(f)(4)(iv)(A)(*1*) and § 155.315(f)(4)(iv)(A)(*2*), if the information related to the applicant's DMIs was verified for January, the consumer's effective date for their APTC and CSRs would be January 1 because they were enrolled in a QHP as of January 1. This would produce different effective dates for APTC and CSRs for consumers who verify electronically versus through documentation on the same date. Proposed § 155.315(f)(4)(iv)(A)(*3*) would prevent this illogical outcome. Under this proposal, the effective date for the consumer's APTC and CSR eligibility would be February 1—consistent with the effective date for the consumer whose eligibility was verified electronically.

Finally, at § 155.315(f)(4)(iv)(A)(*4*), we propose an exception to the effective date rules proposed at § 155.315(f)(4)(iv)(A)(*1*) through (*3*). Specifically, if these rules would result in an APTC and CSR effective date in the prior coverage year, we propose that the Exchange would not be permitted to provide or increase APTC for those months in the prior year. This exception is intended to mitigate tax administration issues and consumer burden that would result if Exchanges provided APTC for a month after the Exchange had already generated a consumer's Form 1095–A for the coverage year.

Consider the following example. A consumer submits an application to the Exchange on November 15, 2028, and qualifies for an SEP due to a November 30, 2028, loss of MEC. The consumer selects a plan on November 15, 2028, and in accordance with § 155.420(b)(2)(iv), qualifies for a coverage effective date of December 1, 2028. The consumer has a DMI related to their annual household income for 2028. The consumer chooses to enroll in a QHP effective December 1, 2028, without APTC or CSRs. Subsequently, the consumer submits documents to the Exchange, and the Exchange verifies the consumer's annual household income for 2028 and resolves their DMI on February 1, 2029. Were an exception not applied, under the rules proposed at § 155.315(f)(4)(iv)(A)(*1*)–(*3*), the Exchange would be required to provide retroactive APTC, effective December 1, 2028.

This proposed exception is necessary to avoid significant tax administration issues. Exchanges generate Form 1095–A for enrollees in January following the applicable coverage year, which includes information about any APTC paid for each month in the coverage year. If, in the scenario described above, the consumer's Form 1095–A is generated prior to the Exchange's determination on February 1 that the consumer qualifies for APTC for December, the consumer's Form 1095–A would reflect that they were enrolled in a QHP but no APTC was paid for the month of December. Assume the consumer used this Form 1095–A to file their Federal income tax return and claim PTC for the month of December. If, in February, the Exchange then provided APTC for the month of December, the Exchange would need to issue a corrected Form 1095–A, a process that generally takes multiple months. Then, upon receipt of the corrected Form 1095–A, the consumer would have to file an amended 2028 tax return, reduce the December PTC the consumer claimed by the amount of APTC paid for the consumer's December coverage, and include a tax payment equal to the December APTC, plus interest and perhaps penalties, with the 2028 amended return. Instead, if there is no retroactive payment of APTC for December, the consumer would, on the consumer's 2028 tax return, lower his or her tax liability or receive a tax refund for the amount of the December PTC for which the consumer is eligible.

Thus, to alleviate these burdens on Exchanges, consumers, and the IRS, we propose that Exchanges would not provide or increase APTC for months in prior coverage years. We clarify that this exception applies only to APTC; Exchanges would still be required to increase CSRs for months in prior coverage years if the enrollee is eligible under the rules proposed at § 155.315(f)(4)(iv)(A)(*1*) through (*3*). We further clarify that, as proposed, this exception would only prevent Exchanges from providing APTC for months in a prior coverage year in the specific situation where a consumer is enrolled in a QHP and subsequently their DMI described at § 155.315(f)(4)(ii) or (iii)(A) is resolved.

We acknowledge that there are limited additional situations in which Exchanges may already be providing or increasing APTC for months in a prior coverage year, including if a consumer qualifies for an SEP with a retroactive effective date, or in the case of certain appeals. At the FFE, consumers are only able to receive prior year APTC through manual processes, by calling the Marketplace Call Center and having their case reviewed on an individual basis. As a result, we have determined that the current volume of cases where prior-year APTC is permitted is quite low. In contrast, the consumers to whom the effective date rules proposed in this section would apply would be able to use an online, automated process to enroll and to resolve their DMIs, and we therefore expect that the volume of consumers who may qualify for prior year APTC as a result could be quite significant by comparison. Therefore, we are only proposing to prevent Exchanges from providing prior-year APTC in this specific situation, but we seek comment regarding whether this principle should apply in other cases as well.

Regarding the rules proposed at § 155.315(f)(4)(iv)(A), we seek comment from issuers and other interested parties on operational considerations regarding retroactive provision of APTC and CSRs for eligible consumers. Specifically, we understand that providing CSRs for weeks or months prior to DMI resolution may be operationally challenging for issuers and consumers. We understand that, today, correctly re-processing claims that a consumer incurred during a period prior to an Exchange's determination of CSR eligibility often requires a consumer to manually submit, and an issuer to manually process and reimburse, costs incurred by consumers in the past. We seek comment on these and any other operational considerations.

Finally, at § 155.315(f)(4)(iv)(B), we propose that for consumers who select a plan and elect that it would only become effective once verification requirements are met, as described in section III.A.8.b. of this proposed rule, an Exchange's APTC eligibility determination would be required to be implemented on the same date that the consumer's plan becomes effective. Proposed effective date rules for such plan selections are described in section III.A.9. of this proposed rule for individuals who make a plan selection during the annual OEP, and in section III.A.10. of this proposed rule for individuals who select a plan during an SEP. This proposal would ensure that, for consumers who elect that their plan only become effective once verification requirements are met, enrollment and APTC would start on the same date, resulting in a clear process for consumers and streamlined communications for Exchanges, as well as ensuring that the consumer does not have a period of unsubsidized coverage.

We seek comment on this proposal. We understand State Exchanges may find it challenging to implement these requirements for PY 2028. Therefore, we specifically seek comment from State Exchanges regarding any risks that State Exchanges would not be able to implement these proposed effective date rules by PY 2028, and whether there are alternative proposals that could achieve similar outcomes while alleviating operational burden.

(v) APTC and CSRs during Other Inconsistency Periods (§ 155.315(f)(4)(v))

We also propose new § 155.315(f)(4)(v) to specify that applicants with DMIs not related to applicable enrollment information would be provided APTC and CSRs based on attested application information, if otherwise eligible, during an inconsistency period. Section 71303(a) of the WFTC legislation provides that no month shall be considered a coverage month until an Exchange verifies, using applicable enrollment information, an individual's eligibility to enroll in a QHP and for APTC. We read this to mean that if an Exchange has failed to verify information that is *not* applicable enrollment information, then section 71303(a) of the WFTC legislation does not apply. Therefore, we propose that if an individual has a DMI not related to the applicable enrollment information, an Exchange would be required to follow the existing process established in section 1411 of the Affordable Care Act and implementing regulations and provide APTC and CSRs, as applicable, during the inconsistency period. An example of a DMI not related to the applicable enrollment information is verification of AI/AN status, as discussed in § 155.350(c).

(vi) Conclusion

Overall, subject to certain exceptions described in sections III.A.4.c. and III.A.4.d. of this proposed rule, these proposed changes would prevent applicants from receiving APTC and CSRs during inconsistency periods when an applicant has a DMI related to the applicable enrollment information.

We seek comment on these proposals.

c. Family Size Special Enrollment Period Waiver (§ 155.315(f)(4)(ii))

In accordance with section 1.36B–3(c)(6)(ii) of the PTC proposed rule (91 FR 65499), we propose to amend § 155.315(f)(4)(ii) to require Exchanges to ensure that APTC and CSRs, as applicable, are provided on behalf of an applicant based on the information attested on the application for coverage during an inconsistency period described in § 155.315(f)(4)(ii), when the applicant, or a member of the applicant's tax household, is eligible to enroll during an SEP in accordance with § 155.420(d)(2)(i), also known as the birth, adoption, and marriage SEP, or § 155.420(d)(2)(ii), also known as the loss of a dependent (or consideration as a dependent) through divorce, legal separation or death SEP. We refer to these SEPs collectively as the ''change in family size SEPs'' throughout this section. These SEPs would be subject to the requirement to verify 75 percent of enrollments via SEPs that were finalized in the HHS Notice of Benefit and Payment Parameters for 2027 (2027 Payment Notice) (97 FR 29526).[18] In addition, we propose adding § 155.315(f)(4)(iii)(A) that also explains that current enrollees who are eligible to re-enroll during an SEP in accordance with § 155.420(d)(2)(i) or (ii) are also eligible for this exception to ensure that APTC and CSRs are provided based on the information attested to on their updated application.

Section 71303(a) of the WFTC legislation adds section 36B(c)(5)(E) of the Code, which explicitly allows for a waiver of the verification requirement in section 36B(c)(5)(A) of the Code, at the option of the Secretary of the Treasury, in the case of an individual who enrolls in a QHP during an SEP due to a change in family size. We propose to require Exchanges to adopt this exception set forth in proposed Treasury Reg. § 1.36B–3(c)(6)(ii) (91 FR 65499). Adopting this exception would allow Exchanges to consider a month to be a coverage month prior to verification of the requirements set forth in the proposed § 1.36B–3(c)(6) (91 FR 65494). Under § 1.36B–3(a) (91 FR 65494), for a consumer to be eligible for PTC for that month, a month is required to be a coverage month. Furthermore, as mentioned earlier, we interpret section 1411(a)(2) of the Affordable Care Act as requiring Exchanges to make APTC and CSR eligibility determinations consistent with the PTC eligibility requirements of section 36B of the Code. Taking those two requirements together, we propose to require Exchanges to adopt this exception such that a month may be a coverage month, and APTC and CSRs may be paid, prior to verifying the information in proposed Treasury Reg. § 1.36B–3(c)(6)(i) (91 FR 65494), which is the same as the information proposed in § 155.315(f)(4)(ii) of this proposed rule, if an individual, either is eligible to newly enroll or re-enroll in a QHP during an SEP that is triggered by a change in family size as allowed at § 155.420(d)(2)(i) or (ii). If finalized, this exception would allow a consumer who qualifies for a change in family size SEP to be determined eligible for APTC and CSRs (if otherwise eligible) based on attested application information during an inconsistency period, as they are under current rules. We note that if this exception is finalized as proposed, consumers would still be subject to existing Exchange processes to verify eligibility to enroll in a QHP and eligibility for APTC and CSRs, as applicable, consistent with section 1411(c) and (d) of the Affordable Care Act and implementing regulations.

As explained previously, we interpret section 1411(a)(2)(A) of the Affordable Care Act as requiring Exchanges to make APTC and CSR eligibility determinations consistent with the PTC eligibility requirements of section 36B of the Code. Therefore, it is necessary for HHS to also adopt the Secretary of Treasury's waiver of the verification requirements of section 36B(c)(5)(A) of the Code to ensure that Exchanges make APTC and CSR eligibility determinations consistent with PTC eligibility determinations. Additionally, by aligning our requirements with those proposed by the Secretary of Treasury in the rule described above, HHS can ensure timely and continuous coverage for enrollees who qualify for SEPs due to a change in family size, particularly consumers who are adding newborns or dependents to their families. There are several situations where, without this exception, consumers could potentially lose APTC and CSRs at critical junctures of needing medical care, including the newborn and postpartum periods.

The requirements specified in section 1411(c) and (d) of the Affordable Care Act and the implementing regulations at §§ 155.315 and 155.320, which are the basis for Exchange verification processes, require verification of information provided by applicants, including citizenship or immigration status, household income and family size, and eligibility for or enrollment in employer-sponsored coverage. If a consumer, either new or current, is eligible to enroll or re-enroll during a family size SEP, generates DMIs related to the applicable enrollment information, and then is unsuccessful at resolving those DMIs and loses their APTC, the consumer may still be allowed PTC for the months during the inconsistency period when filing their

[18] As of the date of this publication, this policy has been stayed by an order issued on July 16, 2026, in the *City of Columbus et al.* v. *Kennedy et al.* (1:26–cv–02215).

tax return and reconciling their APTC with their actual allowed PTC.

Section 71303(a) of the WFTC legislation allows a waiver of the verification requirement in section 36B(c)(5)(A) of the Code for an individual who enrolls in a QHP during a SEP based on ''a change in the family size of the individual.'' We read this as referring to the following current SEPs: gaining a dependent through marriage, birth, adoption, placement for adoption, placement in foster care, or through child support or another court order in § 155.420(d)(2)(i); and loss of a dependent or consideration as a dependent through divorce, legal separation, or death in § 155.420(d)(2)(ii) (if offered by an Exchange). To qualify for the SEP at § 155.420(d)(2)(i) through marriage, one or both spouses need to demonstrate having one or more days of MEC in the prior 60 days preceding the date of marriage under § 155.420(d)(2)(i)(A). Exchanges on the Federal platform do not currently offer the SEP at § 155.420(d)(2)(ii), as generally the consumer who is losing or is no longer considered a dependent qualifies for a loss of MEC SEP, thereby preventing a loss of coverage.

We are requesting comment specifically on whether Exchanges should be required to offer the loss of dependent or consideration as a dependent SEP offered at § 155.420(d)(2)(ii) so that consumers who are eligible to enroll during this SEP may continue to qualify for APTC and CSRs based on their attestation during an inconsistency period that occurs due to updating their eligibility information to the Exchange. While consumers are already required to promptly report any changes that may affect their APTC or CSR eligibility, we are of the view that doing so is more important than it has been previously, in light of the change that removes APTC repayment caps in section 71305 of the WFTC legislation. For consumers that have been determined eligible to enroll during a family size SEP as described at § 155.420(d)(2) and otherwise have a DMI due to the new information on their application, this statutorily allowed exception ensures that consumers receive the APTC and CSRs that most closely reflect their attested-to situation, thereby minimizing the potential for larger tax liabilities. Requiring Exchanges to offer the loss of dependent or dependent status SEP would also prevent individuals who lose dependent status—for example, due to divorce or death of the primary policyholder—from losing potential APTC and CSRs until they newly meet pre-verification requirements.

For these reasons, we are proposing to amend § 155.315(f)(4)(ii) and add new § 155.315(f)(4)(iii)(C) to require all Exchanges to determine eligibility for APTC and CSRs based on the attested application information during an applicant's inconsistency period for DMIs related to the applicable enrollment information if the applicant's household is eligible to enroll during a family size SEP in accordance with § 155.420(d)(2)(i) and (ii). The proposed change would ensure that both new applicants and enrollees who have previously verified their information under § 155.315(f)(4)(ii) and (iii) are eligible for APTC and CSRs based on the attested application information if they are eligible to enroll during a change in family size SEP.

We seek comment on this proposal. We understand State Exchanges may find it challenging to implement these requirements for PY 2028. Therefore, we are considering providing flexibility for State Exchanges to delay implementation of the change in family size SEP exception until PY 2029. We seek comment, in particular from State Exchanges, about whether the availability of this flexibility would be useful to ease the burden of implementing the requirements in this proposed rule.

d. Eligibility Redeterminations During the Plan Year

Consistent with the PTC proposed rule (91 FR 65499), we propose the addition of new § 155.315(f)(4)(iii) to describe the requirements for providing APTC and CSRs for enrollees who have reported a change to eligibility criteria during the plan year after an Exchange has completed verification of those same criteria using the enrollee's information from their immediately preceding eligibility determination. As outlined in section II.A. of this proposed rule, section 71303(a) of the WFTC legislation provides additional criteria for a month to be considered a coverage month. Specifically, a month generally may not be a coverage month for an enrollee in a QHP for any month that an Exchange fails to verify specific criteria related to the enrollee's eligibility to enroll in a QHP through an Exchange and, to the extent relevant, for APTC for the coverage for that month using certain criteria. More specifically, beginning with PY 2028, an Exchange must verify eligibility for enrollment in a QHP and APTC using the following information before a month is considered a coverage month and PTC may be paid: (1) household income and family size; (2) eligible noncitizen status; (3) any health coverage status or eligibility for coverage; (4) residency; and (5) other information as determined by the Secretary of the Treasury, in consultation with the Secretary of HHS.

In proposed § 155.315(f)(4)(iii)(A) and (B), we propose Exchange procedures regarding the provision of APTC and CSRs when an enrollee reports a change that generates one or more DMIs related to the applicable enrollment information. If the reported change results in an amount of APTC or CSRs that is in excess of or equal to the amount of APTC or CSRs previously determined for the individual, we propose that Exchanges would be required to continue providing APTC and CSRs (as applicable) during inconsistency periods at the same amount as previously determined. If the reported change results in an amount of APTC or CSRs that is lower than the amount previously determined for the individual, then we propose that Exchanges would lower APTC and CSRs based on the information provided by the applicant during an inconsistency period.

Section 71303(a) of the WFTC legislation amends the definition of ''coverage month'' and conditions PTC eligibility on successful verification of applicable enrollment information (that is, the criteria described in proposed § 155.315(f)(4)(ii)) listed above. We construe this change as a requirement that Exchanges must comply with *in addition to* (not in place of) existing verification requirements prescribed by sections 1411 and 1412 of the Affordable Care Act. Importantly, while section 71303(a) of the WFTC legislation requires that information be verified prior to treating a month as a coverage month (that is, before PTC can be allowed for an applicant's coverage), we propose this process would not immediately supersede all prior verifications or require automatic termination of APTC and CSRs at the point that an enrollee reports a change within the plan year. Instead, we read section 71303(a) of the WFTC legislation to mean that any verification of applicable enrollment information must remain effective for the duration of the plan year, but, if an enrollee reports a change resulting in a DMI related to the applicable enrollment information, additional verification is required only before any *additional* APTC may be paid. For example, consider an enrollee receiving $250 per month in APTC. The enrollee reports a decrease in projected annual household income during the plan year that would make the enrollee eligible for $300 per month in APTC.

The enrollee's income cannot be verified with IRS, resulting in a DMI. Section 71303(a) of the WFTC would prohibit an Exchange from providing the enrollee with the additional $50 per month in APTC until the enrollee's income was verified, but it would not permit the Exchange to end APTC during the DMI period entirely (unless otherwise permitted).

Additionally, even if 71303(a) of the WFTC legislation did not compel this outcome, the Exchange may continue to draw authority from section 1412(b) of the Affordable Care Act for changes reported during the benefit year. Specifically, section 1412(b)(2) of the Affordable Care Act allows the Secretary of HHS to establish procedures to determine APTC on the basis of information other than an enrollee's prior tax return data when an enrollee's application form demonstrates substantial changes in circumstances, such as changes in income, family size, or other significant changes affecting eligibility.[19]

Accordingly, we propose a framework that would require an Exchange to maintain or decrease an enrollee's previously determined APTC or CSR amount (where applicable) if a reported change generates a DMI related to the applicable enrollment information after the enrollee was determined eligible for APTC or CSR for a given plan year. The maintained or decreased APTC amount would be applicable until an Exchange either resolves the DMI, the consumer reports another change in circumstance, or until the end of the inconsistency period during which the updated information remains unverified.

Throughout this paragraph, we use ''previously verified'' or ''previously determined'' to reference the enrollee's most recent verification or determination conducted by the Exchange. We propose in § 155.315(f)(4)(iii)(A) that when an individual reports a change that results in an amount of APTC or CSRs greater than or equal to the amount of APTC or CSRs previously determined for the individual, an Exchange would be required to maintain APTC or CSRs at the previously verified amount during an inconsistency period. If the DMI is not resolved, under section 1411(e)(4)(B)(ii) of the Affordable Care Act and regulations at §§ 155.315(f)(5) and 155.320(c)(3)(vi)(F) through (G), an Exchange would be required to redetermine eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, on the basis of records maintained by specific Federal officials as outlined in section 1411(c) of the Affordable Care Act, which may include termination of enrollment in a QHP and/or of APTC and CSRs. We propose the approach in § 155.315(f)(4)(iii)(A) because until new information is verified, maintaining an enrollee's prior verified eligibility preserves program integrity and eases burden on enrollees related to reporting changes to the Exchanges, as stated later in this section. This is particularly relevant as it is reasonable for an individual to experience changes that significantly impact their eligibility, resulting in DMIs.

For example, consider a scenario where an enrollee reports a decrease in income from 350 percent of the FPL to 150 percent of the FPL, corresponding with an *increase* in APTC and new eligibility for CSRs, and resulting in a household income DMI. Under proposed § 155.315(f)(4)(iii)(A), Exchanges would be required to maintain the previously determined lower amount of APTC and CSRs based on previously verified information during the inconsistency period. Once the household income DMI is successfully resolved, an Exchange would be required to redetermine eligibility and adjust the amount of APTC or CSRs upwards based on the consumer's verified income attestation, with an effective date consistent with proposed § 155.315(f)(4)(iv) and other proposed changes regarding effective dates following resolution of DMIs outlined in section III.A.6.b. of this proposed rule. As noted previously, if the DMI is not resolved, the Exchange would be required to redetermine QHP and APTC and CSR eligibility, as applicable, on the basis of records maintained by a trusted data source, which may include removal of QHP and/or APTC and CSR eligibility.

By maintaining the lower amount of APTC and CSRs based on the previously verified information during the inconsistency period, Exchanges would ensure that APTC and CSRs are only ever provided to enrollees during an inconsistency period at a level that does not exceed the amount provided based on previously verified information. Additionally, this proposed policy supports program integrity by ensuring that accurate amounts of APTC and CSRs are being provided on behalf of enrollees.

We acknowledge that this proposal would result in many consumers receiving less APTC and CSRs during an inconsistency period than they are ultimately determined eligible for when their DMIs are resolved. For APTC, consumers could be made whole during the tax filing and reconciliation process. We acknowledge that this may present a gap for some enrollees regarding CSRs when compared to APTC, because enrollees with APTC less than their PTC may claim the difference as a tax credit on their tax return for the year of coverage whereas there is no similar process for CSRs. However, we are of the view that this proposed policy strikes a balance between ensuring responsible Exchange operations regarding the provision of APTC and CSRs and encouraging enrollees to report changes.

In contrast, consider the opposite scenario, where an enrollee reports an increase in income from 150 percent of the FPL to 350 percent of the FPL, corresponding with a *decrease* in APTC and ineligibility for CSRs, and resulting in a household income DMI. We propose in § 155.315(f)(4)(iii)(B) that Exchanges would be required to adjust APTC or CSRs downward immediately after application submission based on the information provided by the enrollee on the application. Under this proposal, since the enrollee was previously verified for a higher amount of APTC or CSRs, the enrollee would be determined eligible for a lower amount of APTC or CSRs during the inconsistency period based on their newly attested applicable enrollment information. By requiring the Exchange to decrease APTC or CSRs in this manner, this proposal would help ensure that the Exchange does not pay out more APTC than that for which the consumer may be eligible based on the consumer's reported increase in income.

We are of the view that the policies described in proposed § 155.315(f)(4)(iii)(A) and (B) are permitted under section 1412(b)(2) of the Affordable Care Act, which affords discretion to the Secretary to modify procedures for making advanced determinations as circumstances warrant. In other words, this broad authority allows the Secretary to structure Exchange rules for determining an enrollee's APTC or CSRs when the enrollee reports a change during the benefit year. We are of the view that this interpretation allows an Exchange to maintain or adjust APTC or

[19] As outlined in § 155.330(b), current enrollees who previously sought and received an eligibility determination from the Exchange are required to report changes that impact their eligibility within 30 days of such change. If an Exchange receives updated information, the enrollee's eligibility is redetermined in accordance with § 155.305 and the enrollee is notified about the determination. If an Exchange is unable to verify the updated information, the enrollee receives a DMI and is provided with a 90/95-day inconsistency period to submit documentation that verifies the attested application in accordance with §§ 155.315 and 155.320.

CSRs downwards for instances described in proposed § 155.315(f)(4)(iii)(A) and (B). We are of the view that this proposed framework—maintaining or reducing APTC or CSRs during the inconsistency period for an enrollee following a mid-year change that results in a change to the amount of, or eligibility for, APTC or CSRs—best achieves Congressional intent of section 71303 of the WFTC legislation. Under both proposed § 155.315(f)(4)(iii)(A) and (B), enrollees would continue to receive APTC and CSRs during the 90/95-day DMI period as long as they are otherwise eligible for APTC.

Under this proposed framework, Exchange determinations would always utilize verified information. In the first instance where an enrollee's reported change would result in an increase of APTC and CSRs, the Exchange would maintain APTC and CSRs at the previously verified level during the inconsistency period while verification of reported changes is pending at the Exchange. In the second instance, when the enrollee's reported change would result in a decrease in APTC and CSRs, the Exchange would base their determination on the enrollee's newly reported information. This determination would not occur in the absence of verified information. Rather, this determination (and the resulting provision of APTC and CSRs during the inconsistency period) would reflect both the enrollee's newly reported information and the fact that the Exchange previously verified the enrollee eligible for a higher amount of APTC and CSRs. We are of the view that this approach is critical, as the only alternative would be to disregard an enrollee's attestation that supports eligibility for less APTC and CSRs than previously verified. Importantly, the downward adjustment of APTC and CSRs based on the enrollee's attestation simply adjusts the verified baseline amount of APTC and CSRs downward to limit the enrollee's exposure to tax liability. We considered that an enrollee would have less incentive to report a change that results in a decrease in APTC or CSRs if they were not aware of the tax implications and did not wish to limit their tax liability.

In contrast, some enrollees may be inclined to report a change that results in an increase of APTC and CSRs because they are unaware of the tax implications or are focused on the short-term benefit of doing so (that is, lower monthly premiums). For these reasons, we believe the proposed approach best balances the interests of protecting consumers from increased tax liability and program integrity. Ultimately, the provision of APTC and CSRs during the inconsistency period while verification of reported changes is pending at the Exchange would use previously verified information as a foundational element for determinations. This two-pronged approach would ensure that enrollees and households do not receive more APTC and CSRs than they are verified for.

We considered alternatives to this proposal. We considered an approach in which Exchanges would be required to maintain an enrollee's current APTC or CSRs (that is, maintain a higher amount of APTC despite the enrollee's attested increased income) during an inconsistency period described in § 155.315(f)(4)(ii) when the enrollee reports a change that would result in a decrease in APTC or CSRs. However, since section 71305 of the WFTC legislation eliminates the limitation on repayment of excess APTC for tax years after December 31, 2025 (as set forth in section 36B(f)(2) of the Code), this approach could result in a consumer incurring a large tax liability despite correctly reporting a change. Therefore, our proposed policy serves as a key consumer protective measure by helping to safeguard consumers from large APTC repayments. We also considered requiring Exchanges to provide the higher amount of APTC or CSRs when an enrollee reports a change that results in an increase of APTC or CSRs, but encouraging consumers to take less APTC—specifically the amount they were receiving prior to reporting a change in circumstances—to avoid the risk of incurring a significant tax liability if their attestation was not verified. However, we determined that this would create consumer confusion and may not be effective as consumers would need to take additional actions to manually adjust the amount of APTC applied to their monthly premium if desired.

This alternative operational approach could result in consumer confusion and friction, which may inadvertently disincentivize consumers from reporting changes. Importantly, we are of the view that structuring Exchange operations in the manner proposed would ensure accurate APTC determinations to the extent possible. Such a posture would enhance program integrity by ensuring that enrollees receive no more APTC than they have been determined eligible for after verification of their applicable enrollment information. Ultimately, such an approach reduces unnecessary Federal APTC outlays in the event attestations are inaccurate while safeguarding consumers from large tax liabilities, preventing an unnecessary cycle of APTC payment and repayment.

We considered another alternative approach, which would require Exchanges to remove APTC or CSRs during inconsistency periods. This approach would require individuals to pay the full premium to maintain coverage, which could be unaffordable for many individuals and result in them terminating coverage. That outcome could have a destabilizing impact on risk pools due to increases in adverse selection, as individuals with greater health needs would be more likely to maintain coverage (whether by quickly resolving DMIs or paying the full cost of premiums) than healthy individuals. Furthermore, we are of the view that it is important to structure the Exchange rules such that enrollees are motivated to report changes as required. Requiring Exchanges to terminate APTC or CSRs for consumers who report a change that results in a DMI related to the applicable enrollment information would likely discourage consumers from reporting changes.

We acknowledge that this proposal may require Exchanges to modify application and enrollment processes to accommodate scenarios where APTC and CSRs are maintained and those where APTC and CSRs are decreased. We especially acknowledge the burden that this change may impose on State Exchanges and the operational costs that may be incurred to implement these changes. However, given the high likelihood that individuals may experience significant changes during the benefit year after their applicable enrollment information has been verified, it is critical that Exchanges implement these new requirements to motivate individuals to report changes that accurately represent their circumstances. Exchanges may leverage existing infrastructure to implement these changes, such as current functionality that enables Exchanges to maintain APTC and CSRs during an inconsistency period, or functionality that adjusts or removes APTC as required by section 1411(e)(4)(B)(ii) of the Affordable Care Act as described above.

We also acknowledge that this proposal would require changes to existing enrollee communication procedures and associated infrastructure. In particular, enrollees may find it difficult to distinguish between scenarios where their APTC or CSRs would be maintained compared to those where APTC or CSRs would be reduced. Importantly, while alternative approaches such as removing APTC or CSRs altogether or requiring enrollees to

manually adjust APTC may appear simpler on their face, such approaches would simply shift complexity on to the enrollee at a later moment in the enrollment process, such as at the point of plan selection or enrollment where an enrollee (or an agent or broker applying on their behalf) must manually adjust their APTC or at tax reconciliation, where the enrollee may incur tax liabilities. Such approaches would likely deter enrollees from reporting changes during the benefit year.

We expect Exchanges to identify communication strategies that are tailored to their enrollee populations, such as updated eligibility determination notices that describe APTC or CSR changes following a mid-benefit year change, text message alerts to enrollees when APTC or CSRs are reduced, dynamic messaging for consumers after application submission and so on. We note that State Exchanges have successfully absorbed comparable operational changes, such as changes resulting from Medicaid unwinding from 2023–2024, suggesting that system changes such as these are likely within existing institutional capacity and would not impose a burden once integrated into normal operations. We anticipate that enrollee familiarity (as well as that of assisters, agents, and brokers that assist enrollees) will increase across enrollment cycles as their application better reflects the enrollee's most recent applicable enrollment information.

To summarize, we propose the addition of § 155.315(f)(4)(iii)(A) and (B) to describe the requirements for providing APTC and CSRs for enrollees who have reported a change during the plan year that results in a DMI related to applicable enrollment information (such as household income), after an Exchange has completed verification of those same criteria for the same plan year using the enrollee's information from their immediately preceding eligibility determination. We propose that Exchanges would be required to maintain the amount of APTC or CSRs if a reported change results in an amount of APTC or CSRs that is in excess of or equal to the amount of APTC or CSRs previously determined for the individual. We propose that Exchanges would be required to reduce APTC or CSRs based on the individual's attested income if a reported change results in an amount of APTC or CSRs that is lower than the amount previously determined for the individual.

We seek comment on this proposal. We understand State Exchanges may find it challenging to implement these requirements for PY 2028. Therefore, we are considering providing flexibility for State Exchanges to delay implementation of this proposal for enrollees who have reported a change during the plan year until PY 2029. We seek comment, in particular from State Exchanges, about whether the availability of this flexibility would be useful to ease the burden of implementing the requirements in this proposed rule.

5. Verification Process Related to Eligibility for Insurance Affordability Programs (§ 155.320(c))

We do not propose any changes to the existing regulatory requirements at § 155.320(c) related to verification of family size as described further in this section. However, we seek comment on how we might strengthen requirements for Exchanges to verify family size in the future. We also seek comment on how Exchanges could verify family size using data sources, and which data sources we should consider making available for Exchanges, with the ultimate goal of increasing program integrity, while minimizing burden for Exchanges and consumers, and limiting the cost for Exchanges to procure new data sources.

As background, to be eligible to receive APTC or CSRs, applicants or enrollees must provide certain information regarding the individuals that make up their tax household, including their relationship to the tax filer (the tax anchor on the application) and tax filing status, according to section 1411(b)(3)(A) of the Affordable Care Act. Under section 1411(c)(3) of the Affordable Care Act, the Secretary of HHS must submit the family size information collected by Exchange applications to the Secretary of the Treasury for verification of both household income and family size.

Per current § 155.320(c)(3)(i)(A), an Exchange must require an applicant or enrollee applying for coverage with financial assistance, such as APTC and CSRs, to attest to information about the individuals that comprise the tax filer's family. If an applicant or enrollee attests that a change in circumstance has occurred or is likely to occur that would result in an inaccurate projection of their family size for the year for which they are applying for coverage, and so it is not representative of the family size for the plan year, an Exchange may accept the applicant or enrollee's attestation without further verification, per § 155.320(c)(3)(i)(C), as long as the data provided by the applicant is reasonably compatible with other information provided about their family. If the data provided by the applicant or enrollee is not reasonably compatible with other information provided by the application filer for the family, an Exchange generally must utilize data obtained through other electronic data sources to verify the attestation. If such data sources are unavailable or information in such data sources is not reasonably compatible with the applicant or enrollee's attestation, an Exchange must request additional documentation to support the attestation, consistent with current § 155.315(f).

Currently, the FFE application prompts the applicant or enrollee to provide information about their tax filing status and the current makeup of their household, including any dependents they plan to claim on their Federal income tax return. However, the FFE application does not allow the applicant or enrollee to provide a specific number of family members in their household. Rather, the FFE's eligibility logic works to calculate the applicant's family size based upon the information the applicant or enrollee has provided in their application regarding tax filing status and any dependents they listed.

In light of the new requirements in the WFTC legislation, we wish to revisit family size verification and solicit comment from interested parties on possible alternatives, new data sources, or other enhancements that Exchanges could implement to strengthen family size verification. We explored additional ways Exchanges could strengthen or enhance their verification procedures for family size, but discovered some important challenges Exchanges would likely face, which we discuss in more detail in the remainder of this section.

First, we are not aware of any existing external data source currently used by any Federal agency to verify an applicant or enrollee's current or future family size, other than Federal income tax return data that Exchanges access through the IRS Hub service. Exchanges could potentially use this data to verify family size by calculating the number of dependents an applicant or enrollee claimed on their tax return and comparing with the number of dependents attested to on the coverage application; however, any such estimate is likely to often be incorrect, since IRS displays tax data for the most recent tax year for which data is available, which is typically 1 to 3 years prior to the current coverage year, due to the time delay between a tax return being filed and the time period the tax data represents, and the consumer's family

size may have changed during that timeframe. Furthermore, the operational process to determine the number of dependents a tax filer plans to claim on their tax return is difficult for both an Exchange and consumers because changes to family size during the plan year may cause inconsistencies when trying to match against IRS data. For example, an applicant or enrollee who gains a dependent via a birth in October 2026 and applies for coverage during the OEP in November 2026, would not be able to electronically verify his or her family size using IRS data. This is because that new dependent was not included on the applicant's most recent Federal income tax return and, therefore, IRS data will not have any record of that new dependent until the applicant or enrollee claims them on their 2026 tax return filed in 2027. A relative dearth of data available to prove changes in a consumer's tax household size is a major challenge with verifying family size through IRS tax data.

A second challenge for Exchanges verifying family size is navigating the complicated rules relating to who qualifies as a tax filer's dependent on their tax return. In general, a consumer is able to claim an individual as a dependent if (1) the individual is a U.S. citizen, a U.S. national, U.S. resident, or a resident of Canada or Mexico, (2) the individual, if married, does not file a joint return with his or her spouse except in limited situations, and (3) the individual is a qualifying child or a qualifying relative of the consumer. Additional tests must be met for an individual to qualify as a qualifying child or qualifying relative of a consumer. In addition, it is possible for an individual to be a qualifying child of more than one tax filer, and in those situations, there are tiebreaker rules to determine which tax filer can claim the individual as a dependent. Because of these complex rules, it may be difficult for tax filers to provide documentation supporting the attested family size provided on their application.

While considering the current challenges that Exchanges face regarding family size verification discussed previously and the new requirements in section 71303 of the WFTC legislation, we also considered two potential approaches to strengthen or enhance family size verification for applicants or enrollees applying for Exchange coverage with APTC/CSRs. The first approach involved setting a family size DMI for all applicants or enrollees whose reported household size did not match their household size in IRS tax data. Based on our analysis of FFE data that looked at IRS response codes from consumers for PY 2024 and PY 2025, we found that household size data from IRS could not be returned for 13,423,627 applications, out of a total of 30,328,781, which is roughly 44 percent. While many reasons may have contributed to a lack of available IRS data for these consumers, this approach could result in almost half of all applicants receiving a family size DMI, which would require significant technical and operational updates for all Exchanges. Additionally, we expect that the percentage of applicants or enrollees who successfully resolve their family size DMI would be low, given the lack of available documentation types for an applicant to prove tax family size. Moreover, there is a high likelihood of inaccurate DMI processing, due to the complexities in tax rules for claiming dependents. A notable concern with this approach is that if an applicant's or enrollee's family size DMI could not be resolved, then APTC would be removed for the entire household. Finally, this approach may have negative impacts on the risk pool as it may lower overall participation in Exchanges due to the increased burden to resolve DMIs, thus increasing the risk of adverse selection as certain populations, such as younger individuals, would choose to forego Exchange coverage.

A second option we explored was a targeted, risk-based approach to modifying the family size verification process. We explored if an Exchange could either randomly verify a specific percentage of households, verify family size changes greater than two when compared to IRS tax data, verify family sizes greater than a certain amount of people, or verify non-applicant dependents without an SSN. This option would require the same technical and operational updates as the first option but would result in fewer DMIs. However, similar to the first option, we anticipate the percentage of applicants who would successfully resolve their family size DMI would be low due to the lack of available documentation options to prove tax family size. This option would likely have less of a negative impact on the risk pool as compared to the first option as a smaller subset of applicants would receive a DMI.

Given that Exchanges face such extensive challenges and costs associated with enhancing family size verification operations, we propose to retain the current regulatory requirements regarding verification of family size as outlined in § 155.320(c). We are of the view that the current regulatory requirements and Exchange operations to verify family size are sufficient given the challenges we discussed earlier in this section. We note that historically, we have seen very limited cases of fraud as it relates to family size, however, we are still interested in ways to potentially strengthen or enhance family size verification, in a way that is both cost-efficient for Exchanges and minimally burdensome on consumers.

We seek comment on alternatives and invite interested parties to share their experiences with family size verification, including challenges, risk for family size fraud, feasibility of other verification approaches such as risk-based verification, and cost/budget impacts.

6. Eligibility Redetermination During a Plan Year (§ 155.330)

a. Effective Dates for Enrollee-Reported Changes (§ 155.330(f)(1))

(i) Summary of Proposed Effective Dates for Enrollee-Reported Changes

In § 155.330(f)(1), we propose that if an Exchange redetermines an enrollee's eligibility to enroll in a QHP, for APTC, or for CSRs because the enrollee has provided updated information to the Exchange, such redetermination of eligibility would become effective on the first of the month following an Exchange's eligibility redetermination. We clarify that, throughout this section, when we refer to a redetermination of APTC or CSR eligibility, we are referring to both redeterminations that result in a consumer becoming eligible for a different amount or level of APTC or CSR, as applicable, and redeterminations that result in a consumer becoming newly eligible or ineligible for APTC or CSRs.

The proposal in § 155.330(f)(1) would maintain the general rule currently in § 155.330(f)(1)(i) that eligibility updates resulting from enrollee-reported changes must be effective on the first of the month following an Exchange's eligibility redetermination. Currently, § 155.330(f)(1)(i) provides that eligibility changes ''resulting from a determination under this section'' must be effective on the first of the month following the date of the consumer's eligibility determination notice, subject to certain exceptions enumerated in § 155.330(f)(2) through (5). Determinations ''under this section'' include both enrollee-reported changes as described in § 155.330(e)(1), as well as determinations made as part of the periodic data matching process described in § 155.330(e)(2). We propose effective dates for determinations made as part of the periodic data matching process in proposed § 155.330(f)(3),

discussed in section III.A.6.c. of this proposed rule.

Proposed § 155.330(f)(1) would apply to eligibility redeterminations when an enrollee provides updated information to an Exchange and the Exchange determines the enrollee has an inconsistency. For example, § 155.330(f)(1) would apply if an Exchange determines that an enrollee's APTC or CSRs, as applicable, needs to be reduced during their inconsistency period because they have a DMI as described in proposed § 155.315(f)(4)(iii)(B). In these cases, the redetermination of the enrollee's APTC or CSRs eligibility would be effective on the first of the month following the Exchange's eligibility redetermination.

At § 155.330(f)(1)(i), we propose an exception such that, if the Exchange redetermines an enrollee's eligibility because the enrollee has provided updated information to the Exchange, and the Exchange also determines that the enrollee qualifies for certain SEPs described in § 155.420(b)(2)(i) or (b)(2)(iii), then the Exchange would implement the enrollee's eligibility redetermination on the coverage effective dates described in § 155.420(b)(2)(i) or (b)(2)(iii), respectively.

Current § 155.330(f)(1)(iii) specifies that eligibility changes ''affecting enrollment or premiums only'' must be effective on the first day of the month following the date ''the Exchange is notified of the change.'' Under our proposed restructure of § 155.330(f), we propose that all enrollee-reported changes, including those affecting enrollment or premiums only, would be subject to the effective dates under proposed § 155.330(f)(1) and therefore would generally be effective on the first of the next month following the eligibility determination. For Exchanges on the Federal platform, we clarify that even if a reported change only affects enrollment or premiums, an Exchange generally also redetermines an enrollee's eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, before sending an updated transaction to the enrollee's issuer. We request comment from State Exchanges regarding whether State Exchanges also redetermine enrollees' eligibility in cases in which a reported change only affects enrollment or premiums, such that proposed § 155.330(f)(1) would apply. We also note that § 155.400(b)(1) requires Exchanges to send all eligibility and enrollment information, which includes updates on eligibility and enrollment, to issuers ''promptly and without undue delay.''

(ii) Proposal to No Longer Allow Exchanges To Delay Effective Dates for Enrollee-Reported Changes

Current § 155.330(f)(2) provides an exception to current § 155.330(f)(1), permitting Exchanges to delay the effective dates of eligibility redeterminations by one month if they occur on or after the 15th of a month. For example, if an enrollee reported a change in income to an Exchange and an Exchange redetermined the enrollee's eligibility for APTC and CSRs on May 20, an Exchange could delay the effective date of the resulting APTC and CSR change from June 1, as prescribed under the general rule at current § 155.330(f)(1), to July 1, as permitted in current § 155.330(f)(2). In proposed § 155.330(f)(1), we propose that Exchanges would no longer be permitted to delay the effective dates for eligibility redeterminations resulting from enrollee-reported changes in the manner allowed by current § 155.330(f)(2). As proposed at § 155.330(f)(1), all eligibility redeterminations resulting from enrollee-reported changes would be effective the first of the month following an Exchange's redetermination, with limited exceptions for scenarios where the enrollee also qualifies for certain SEPs. As a result, in the example described previously, a change in eligibility for APTC and CSRs resulting from an enrollee reporting a change to their income on May 20 would be effective on June 1, and Exchanges would not be permitted to delay the effective date for such changes to July 1.

We propose to no longer allow the exception currently at § 155.330(f)(2) for eligibility redeterminations following enrollee-reported changes for several reasons. First, the redeterminations discussed in proposed § 155.330(f)(1) would be limited to enrollee-reported changes, where the enrollee is actively engaging with the Exchange. They would not apply to determinations as part of the periodic data matching process or following the expiration of an inconsistency period, where the Exchange is redetermining eligibility without the enrollee's active engagement. When an enrollee reports a change to the Exchange, the enrollee is typically informed of the results of their redetermination in real-time, and there is therefore no compelling need to delay the effective date of the redetermination to ensure that an Exchange is able to communicate with the enrollee regarding the change before it takes effect.

Second, the elimination of the limitations on repayment of excess APTC starting in PY 2026, required by section 71305 of the WFTC legislation, makes it even more important that Exchanges apply the changes that enrollees report without delay, to reduce the risk that consumers who accurately report changes to the Exchanges are faced with increased tax liability despite their efforts to proactively report changes. We seek comment on the proposal to remove the exception currently at § 155.330(f)(2) regarding eligibility redeterminations following enrollee-reported changes.

Similarly, for redeterminations resulting from enrollee-reported changes, we are proposing to remove § 155.330(f)(3), which provides that if a change results in decreased APTC or a change in CSR eligibility, and the redetermination occurs after the 15th of a month, Exchanges are required to delay the effective date of such eligibility redeterminations by one month. For example, if an enrollee reports an increase in income to an Exchange and the Exchange determines on May 20 that the enrollee is eligible for less APTC, an Exchange is required to delay the effective date of the resulting decrease in APTC from June 1, as prescribed under the general rule at current § 155.330(f)(1), to July 1, as required by the exception in current § 155.330(f)(3). For enrollee-reported changes, we are proposing to remove the required delay at § 155.330(f)(3) for the same reasons we are proposing to remove the option for Exchanges to delay under § 155.330(f)(2). For redeterminations not resulting from enrollee-reported changes—specifically, those resulting from the expiration of an inconsistency period or periodic data matching—we propose to maintain the required delay for redeterminations that result in a decreased amount of APTC or decreased level of CSR. This proposal is discussed in detail in section III.A.6.c. of this proposed rule.

We considered proposing an alternative under which Exchanges would be required or permitted to immediately implement eligibility redeterminations resulting from enrollee-reported changes. However, we determined that immediate, mid-month adjustment of APTC and CSRs would be more difficult for Exchanges and issuers to implement. Changes to APTC and CSR amounts in the middle of a month would require Exchanges and issuers to prorate both APTC and premium amounts and would require issuers to retroactively re-bill consumers for the month in which the change was reported. For these reasons, we are proposing at § 155.330(f)(1) that eligibility redeterminations resulting

from enrollee-reported changes become effective on the first of the month following an Exchange's redetermination.

(iii) Enrollee-Reported Changes Resulting in an SEP

Current § 155.330(f)(4) provides another exception to current § 155.330(f)(1), requiring that eligibility redeterminations associated with an SEP due to gaining or becoming a dependent through birth, adoption, foster care, child support, or court order, as described at § 155.420(b)(2)(i), become effective on the SEP effective dates prescribed in § 155.420(b)(2)(i). We are proposing to maintain this exception at proposed § 155.330(f)(1)(i). This exception ensures that if, for example, an enrollee adds a newborn to their application, the resulting redetermination of the enrollee's eligibility due to their change in family size is effective retroactive to the newborn's date of birth.

Current § 155.330(f)(4) further provides that eligibility redeterminations associated with an SEP due to marriage become effective on the SEP effective dates prescribed in § 155.420(b)(2)(ii). We are not proposing to maintain this exception in proposed § 155.330(f)(1)(i), because § 155.420(b)(2)(ii) requires that coverage selected in accordance with an SEP due to marriage becomes effective on the first of the month following plan selection. Therefore, for consumers with a marriage SEP, their coverage effective date already generally aligns with the effective dates for eligibility redeterminations proposed at § 155.330(f)(1).

Current § 155.330(f)(5) provides an exception to current § 155.330(f)(1) such that eligibility changes associated with an SEP described in § 155.420(d)(4), (d)(5), and (d)(9) may be effective ''based on the specific circumstances of each situation.'' The SEP at § 155.420(d)(4) is for qualified individuals who experience an error of the Exchange; the SEP at § 155.420(d)(5) is for enrollees whose QHP violates a material provision of its contract with the enrollee; and the SEP at § 155.420(d)(9) is for qualified individuals who experience an exceptional circumstance. In proposed § 155.330(f)(1)(i), we are proposing that if an Exchange determines that an enrollee qualifies for any of the SEPs enumerated in § 155.420(b)(2)(iii)—which include the SEPs described at § 155.420(d)(4), (d)(5), and (d)(9)—then the enrollee's eligibility redetermination would be effective on the coverage effective date prescribed by § 155.420(b)(2)(iii). Section 155.420(b)(2)(iii) provides that the Exchange ''must ensure that coverage is effective on an appropriate date based on the circumstances of the special enrollment period.'' Therefore, we are proposing to maintain the flexibility currently permitted under § 155.330(f)(5) for Exchanges to establish appropriate eligibility redetermination effective dates for enrollees who qualify for these SEPs.

We are newly proposing that an Exchange follow the same eligibility redetermination effective date rules for an individual eligible for the three other SEPs enumerated in § 155.420(b)(2)(iii): the SEP at § 155.420(d)(11) for qualified individuals who are determined ineligible for Medicaid or CHIP after their enrollment period has ended; the SEP at § 155.420(d)(12) for enrollees whose enrollment was influenced by a material error regarding certain plan characteristics; and the optional SEP at § 155.420(d)(13) for individuals who resolve an inconsistency after their QHP has been terminated. We do not see a compelling reason to impose different eligibility redetermination effective date rules for enrollees with these SEPs as compared to the SEPs at § 155.420(d)(4), (d)(5), and (d)(9), given that Exchanges have the discretion to establish appropriate coverage effective dates for all of these SEPs under § 155.420(b)(2)(iii). Because § 155.330(f)(5) was finalized prior to these SEPs being established, we are of the view that the lack of reference to these SEPs at § 155.330(f)(5) is merely an oversight.

We seek comment on this proposal. Specifically, we seek comment from State Exchanges and other interested parties regarding any operational burden these proposed changes to current effective date policies would create, and whether a 1-year delay in implementation would mitigate any expected risk of State Exchanges having insufficient time to make necessary updates to their IT systems.

b. Effective Dates Related to the Resolution of DMIs (§ 155.330(f)(2))

In section III.A.4.b.iv. of this proposed rule and at proposed § 155.315(f)(4)(iv)(A), we propose effective date rules for APTC and CSR determinations resulting from the resolution of DMIs described in §§ 155.315(f)(4)(ii) and 155.315(f)(4)(iii)(A) for individuals who are enrolled in a QHP when such DMIs are resolved. In § 155.330(f)(2), we propose to cross-reference the effective dates proposed in § 155.315(f)(4)(iv)(A), such that the same effective date rules proposed in § 155.315(f)(4)(iv)(A) would apply for individuals described in § 155.330—that is, QHP enrollees whose eligibility is redetermined during the coverage year due to the resolution of such DMIs.

Specifically, as proposed at § 155.315(f)(4)(iv)(A), for individuals who are enrolled in a QHP when their DMIs are resolved, any changes to the eligibility or amount of APTC or CSRs resulting from the DMI resolution would be effective on the first day of the first month in which all of the following criteria are met: all information related to the applicant's DMIs are verified for the month; the enrollee is enrolled in a QHP on the first day of the month; and the enrollee's DMIs were generated before the first of such month. We further propose an exception to these rules in cases where they would result in an Exchange determining or redetermining APTC eligibility for months in a prior coverage year.

We propose to align the effective dates proposed in § 155.330(f)(2) with those described at proposed § 155.315(f)(4)(iv)(A) for the following reasons.

Section III.A.4.b.iv. of this proposed rule and proposed § 155.315(f)(4)(iv)(A)(1) provide that an Exchange's determination of APTC or CSR eligibility upon DMI resolution would not be effective prior to the first day of the first month for which the Exchange verified all eligibility criteria described in proposed § 155.315(f)(4)(ii). In section III.A.4.b.iv. of this proposed rule, we explain that this proposal implements the requirement in section 36B(c)(5)(C) of the Code, which specifies that a month beginning prior to verification must only be considered a coverage month if the Exchange verifies the consumer's eligibility ''for such month.'' We propose to apply the same principle for enrollees who resolve a DMI described at § 155.315(f)(4)(ii) or § 155.315(f)(4)(iv)(iii)(A), such that any redetermination of APTC or CSR eligibility resulting from such DMI resolution does not take effect prior to the first month in which the enrollee's newly attested eligibility criteria are verified. This proposal ensures equitable treatment of new and existing enrollees regarding when their APTC and CSRs can begin or increase following DMI resolution.

Section III.A.4.b.iv. of this proposed rule and proposed § 155.315(f)(4)(iv)(A)(*2*) further provide that an Exchange's determination of APTC or CSR eligibility upon DMI resolution would not be effective prior to the first day of the first month that the enrollee is enrolled in a QHP. In

section III.A.4.b.iv. of this proposed rule, we explain that allowing retroactive APTC or CSRs to extend further would produce illogical outcomes given that section 36B(c)(2)(A)(i) of the Code requires that a taxpayer or their family member must be enrolled in a QHP as of the first of the month for the month to be considered a coverage month. With regard to the enrollees described in this section, we have similarly determined that allowing redeterminations of APTC or CSR eligibility to take effect prior to QHP enrollment is illogical and should be prevented.

Section III.A.4.b.iv. of this proposed rule and proposed § 155.315(f)(4)(iv)(A)(*3*) provide that an Exchange's determination of APTC or CSR eligibility upon DMI resolution would not be effective prior to when the consumer's DMIs were generated. We explain in section III.A.4.b.iv. of this proposed rule that this proposal aligns with Exchanges' existing effective date framework, under which changes to eligibility are generally implemented prospectively, in relation to when the consumer provides the attestations that produce such changes in eligibility. This existing principle also applies to redeterminations described in this section.

Finally, in section III.A.4.b.iv. of this proposed rule and at proposed § 155.315(f)(4)(iv)(A)(*4*), we describe an exception to the effective date rules proposed at § 155.315(f)(4)(iv)(A)(*1*) through (*3*). Specifically, if these rules would result in an APTC effective date in the prior coverage year, we propose that the Exchange would not provide or increase APTC for those months in the prior year. This exception is intended to mitigate tax administration issues and consumer burden that would result if Exchanges provided APTC for a month after the Exchange had already generated a consumer's Form 1095–A for the coverage year. These tax administration issues pertain to both initial eligibility determinations and to the redeterminations described in this section. Therefore, we are proposing to adopt the same rules for APTC and CSR redeterminations for QHP enrollees whose eligibility is redetermined during the coverage year due to the resolution of their DMIs.

We seek comment on this proposal.

c. Effective Dates for Redeterminations Following Expiration of Inconsistency Period or Periodic Data Matching (§ 155.330(f)(3))

In § 155.330(f)(3), we propose effective date rules for eligibility redeterminations following the expiration of an inconsistency period or as part of the periodic data matching process described at § 155.330(e)(2). Currently, these rules are primarily enumerated in § 155.330(f)(3), which covers redeterminations that result in a decreased amount of APTC, or a change in the level of CSRs. We clarify that current § 155.330(f)(3) also applies in cases where an enrollee is redetermined newly ineligible for QHP, APTC, or CSRs. While current § 155.330(f)(3) does not explicitly refer to the end of an inconsistency period or periodic data matching processes, these situations are covered under § 155.330(f)(3) because they generally result in the removal or reduction of APTC.

Current regulations at § 155.330(f)(3) provide that such decreases in amount of APTC or in the level of CSRs must be effective the first of the month following the redetermination, unless the redetermination occurs after the 15th of the month, in which case the Exchange must delay the effective date by one month. At § 155.330(f)(3)(i), we are proposing to maintain these effective date rules in cases where an eligibility redetermination is the result of an inconsistency period expiring or a periodic data matching process ending, and such redetermination results in a decreased amount of APTC or decreased level of CSRs.

Consider an example in which an enrollee is found, through the periodic data matching process described in § 155.330(e)(2), to be enrolled in other MEC, and in which an Exchange notifies the enrollee regarding this updated information on May 20. In accordance with § 155.330(e)(2)(i)(B), an Exchange provides the enrollee with 30 days, or until June 19, to respond to their notice. If the enrollee has not responded by the end of this 30-day period, an Exchange must redetermine the enrollee's eligibility, in which case the enrollee would be determined ineligible for APTC because they are enrolled in other MEC. Under current § 155.330(f)(3), because this eligibility redetermination results in a decrease in APTC and occurs on June 19, the eligibility redetermination must be effective on August 1. Under proposed § 155.330(f)(3)(i), this rule would be maintained, and the eligibility determination would also be effective on August 1.

We also propose to maintain the rules currently at § 155.330(f)(3) for eligibility redeterminations following the end of an inconsistency period, where the redetermination results in decreased APTC or a decreased level of APTC or CSRs. In a similar example where an enrollee's 90-day inconsistency period expires on June 19, the resulting eligibility determination would continue to be effective on August 1.

We are proposing to keep these rules for several reasons. First, unlike cases where a consumer is reporting updated information to the Exchange, consumers whose APTC or CSRs are redetermined following the end of an inconsistency period or as part of the periodic data matching process are not actively engaged with the Exchange. Therefore, a delay between any reduction to the consumer's APTC or level of CSRs and the effective date of that redetermination is appropriate to give the Exchange sufficient time to communicate the upcoming change in eligibility to the consumer. Second, section 71303 of the WFTC legislation does not require Exchanges to update existing effective date rules for inconsistency period expiration or periodic data matching processes or to implement such redeterminations as soon as possible.

Finally, we have determined that maintaining these existing rules is operationally simpler for Exchanges than requiring a change to existing policy and operations. We acknowledge that the proposals in this rule would require Exchanges to make significant changes to their systems on a short timeline to meet statutory deadlines. To increase the likelihood that Exchanges can successfully implement the many changes already required by the WFTC legislation and that would be required by this proposed rule, and for the other reasons stated above, we propose to maintain the existing effective date policy with regard to periodic data matching and DMI expirations that result in a reduction in APTC or CSRs.

There are cases in which the expiration of an inconsistency period may instead result in the Exchange determining a consumer eligible for the same or an increased amount of APTC, or the same or a more generous level of CSRs. In accordance with § 155.315(f)(5), at the end of an inconsistency period, if an Exchange remains unable to verify an attestation, an Exchange must determine a consumer's eligibility based on information available from trusted data sources. In the case that the Exchange obtains income data from the Department of Treasury, as described in § 155.320(c)(1)(i) and (ii), but such data does not verify the consumer's attestation of their income, the Exchange must determine eligibility based on this data at the end of the consumer's inconsistency period. Depending on the consumer's income attestation and the data available to the

Exchange from the Department of Treasury, this could result in the Exchange determining the consumer eligible for more APTC or a more generous level of CSRs than provided during their inconsistency period. Currently, such redeterminations are subject to the effective date rules in § 155.330(f)(1)(i) and (f)(2). These current rules give Exchanges the option to either consider such redeterminations effective the first of the month following the date of the redetermination notice, or to delay the effective date by a month, if the redetermination occurred after the 15th of the month.

Additionally, given the proposals enumerated in proposed § 155.315(f)(4)(ii) and (iii), the end of an inconsistency period may result in no change to a consumer's APTC or CSR eligibility. For example, if a consumer has a DMI related to their enrollment in other MEC, and the Exchange determines in accordance with the requirements in § 155.315(f)(4)(ii) and (iii) that the enrollee cannot be provided with APTC or CSRs during their inconsistency period, then the expiration of such inconsistency period simply confirms the consumer's ineligibility for APTC or CSRs and does not result in an increase or decrease.

At § 155.330(f)(3)(ii), we propose that, for redeterminations following the expiration of an inconsistency period or periodic data matching that result in the same or an increased amount or level of APTC or CSRs, the Exchange be required to implement such redeterminations on the first of the month following the redetermination. This maintains the general requirement currently enumerated at § 155.330(f)(1) but removes the flexibility for Exchanges to delay such effective dates until the first of the following month afforded under § 155.330(f)(2).

We propose these rules regarding redeterminations following the expiration of an inconsistency period or periodic data matching that result in an increased amount or level of APTC or CSRs for several reasons. First, eliminating the flexibility currently permitted under § 155.330(f)(2) better ensures timely access to APTC and CSRs for eligible consumers. While enrollees in this scenario are not actively engaged with the Exchange, we see no reason to delay implementing a change that results in the same or more APTC or CSRs. In contrast, for a change that results in a decrease of APTC or CSRs, we determined a delay would be justified to ensure consumers receive timely notice. In addition, proposing to remove the flexibility currently permitted under § 155.330(f)(2) for these eligibility redeterminations aligns with our proposed effective date rules for enrollee-reported changes, described in section III.A.6.a. of this proposed rule, thereby promoting a consistent set of rules.

We seek comment on this proposal.

d. Effective Dates for Appeals (§ 155.330(f)(4))

We are proposing to redesignate current § 155.330(f)(1)(ii), regarding effective dates for redeterminations resulting from an appeal decision, as proposed § 155.330(f)(4), with some minor wording changes. This would maintain the current requirement that, in cases where an Exchange redetermines eligibility due to an appeal decision, that the change in eligibility must be effective on the date specified in the appeal decision.

We seek comment on this proposal.

7. Annual Eligibility Redetermination (§ 155.335)

We propose to modify the title of this section to ''Annual eligibility redetermination and re-enrollment.'' We propose to amend § 155.335 by revising § 155.335(a) and (b); removing § 155.335(c) through (i); redesignating § 155.335(j) as new § 155.335(c); and removing § 155.335(k) through (n). Current § 155.335(a) through (i) and (k) through (n) include procedures required for an Exchange to annually redetermine eligibility for APTC and CSRs using the information previously provided by an enrollee in a QHP for the current plan year, or an earlier plan year, along with updated information from trusted data sources, when the enrollee does not contact the Exchange during the annual OEP to update their eligibility information. We are proposing to no longer permit these procedures.

Proposed § 155.335(a) would require Exchanges to redetermine the eligibility of an enrollee for enrollment in a QHP and for APTC and CSRs, as applicable, on an annual basis in accordance with § 155.305 and adhere to the existing notification standard for eligibility determinations under § 155.310(g). Proposed § 155.335(a)(1) would newly specify that for an Exchange to redetermine an enrollee eligible for APTC and CSRs for the subsequent plan year, the enrollee or the enrollee's application filer would be required to provide or confirm household income and family size; U.S. citizenship or status as a lawfully present eligible non-citizen, as applicable; eligibility for or enrollment in other MEC; and place of residence for the subsequent plan year on or after August 1 and no later than December 31 of the year preceding the applicable plan year, and the Exchange would verify the specified eligibility information using the processes in §§ 155.315 and 155.320, including the relevant provisions in those sections regarding DMIs.

We propose to modify § 155.335(b) to specify that the annual eligibility redetermination of QHP and for APTC and CSRs, as applicable, would be effective on the first day of the applicable plan year. We propose an exception to this effective date for the redetermination of APTC and CSRs in instances where an enrollee has an unresolved DMI under § 155.315(f)(4)(ii) as of December 31 of the year preceding the plan year and for whom APTC and CSRs are not provided during the inconsistency period. In these instances, we propose that the redetermination of APTC and CSRs under this part take effect in accordance with §§ 155.315(f)(4)(iv)(A) or 155.330(f)(3), as applicable.

Proposed § 155.335(c) would retain the QHP re-enrollment standards currently at § 155.335(j). We also clarify that under § 155.1200(b)(2), State Exchanges would still be required to submit information annually to HHS for HHS oversight on operations regarding § 155.335.

Section 71303(a) of the WFTC legislation specifically states that the applicable enrollment information must be ''provided or verified'' by the individual and that, generally, the term coverage month does not include months ''before the Exchange verifies'' that information. As described previously, PTC is allowed only for months that are coverage months. Eligibility for PTC is determined after the end of each tax year, based on information, such as household income and family size, relating to the year of coverage. As a result, section 36B(c)(5)(A) of the Code, as added by section 71303(a) of the WFTC legislation, applies to a tax year and contemplates that an Exchange must verify an individual's eligibility at least once every plan year before a month in the year can be a coverage month and any APTC or CSRs can be paid for that month. The statutory text further reinforces the year-by-year concept by utilizing the term ''any individual'' covered by a QHP, rather than limiting it to new enrollees. Further, by specifying that information be provided or verified by the ''applicant'' in the clause following the Exchange verification requirement, the text indicates that all applicants must

provide or confirm [20] the applicable enrollment information that is the basis of Exchange verifications at minimum as frequently as the Exchange must verify that information. Therefore, requiring individuals seeking to re-enroll in a QHP with APTC and CSRs to provide or confirm the applicable enrollment information pertaining to the subsequent plan year is consistent with the section 71303(a) amendment to section 36B(c).

Additionally, even if section 71303(a) of the WFTC legislation did not require enrollees who are re-enrolling with APTC or CSRs to provide or confirm their information for each plan year, we would still propose this requirement under our authority in section 1411(f)(1)(B) of the Affordable Care Act, which directs the Secretary to establish procedures for redetermining eligibility on a periodic basis in appropriate circumstances, and section 1412(b)(1)(A) of the Affordable Care Act, which directs the Secretary to establish a program to make advance eligibility determinations for PTC. We have determined that annual redetermination of APTC and CSRs without an enrollee providing updated eligibility information or confirming existing information to the Exchange is no longer appropriate. We have determined that an enrollee should be required to provide or confirm their eligibility information for each plan year to be redetermined eligible for APTC and CSRs to improve the accuracy of APTC and CSR payments, mitigate the risk that enrollees receive APTC or CSRs for which they are no longer eligible, and protect enrollees from potential tax liability, as described in more detail later in this section.

We previously finalized the standards for annual eligibility redetermination under § 155.335 in the Exchange Establishment Rule (77 FR 18374) and revised those standards in the Annual Eligibility Redeterminations Final Rule (79 FR 52994) to provide additional flexibility for Exchanges in establishing annual redetermination procedures. Currently, all Exchanges have chosen to follow one of the alternate procedures under § 155.335(a)(2)(ii) or § 155.335(a)(2)(iii), rather than the procedures under § 155.335(a)(2)(i), which requires compliance with § 155.335(b) through (m). Specifically, under § 155.335(a)(2)(ii), an Exchange may conduct annual redeterminations in accordance with procedures specified by the Secretary of HHS, which are currently set forth in the ''Guidance on Annual Redetermination and Re-enrollment for Marketplace Coverage for 2024 and Later Years.'' [21] Under § 155.335(a)(2)(iii), Exchanges may conduct annual redetermination in accordance with procedures approved by the Secretary of HHS based on a showing of the following: that the alternative procedures would facilitate continued enrollment in coverage for which the enrollee remains eligible, provide clear information about the process to the qualified individual or enrollee (including regarding any action by the qualified individual or enrollee necessary to obtain the most accurate redetermination of eligibility), and provide adequate program integrity protections.

Under § 155.335(a)(2)(ii) through (iii), all Exchanges have procedures in place that enable them to redetermine an enrollee's eligibility for enrollment in a QHP and APTC and CSRs, as applicable, for the subsequent plan year when an enrollee does not provide updated eligibility information to the Exchange for the subsequent plan year. Therefore, in all Exchanges, such an enrollee who is eligible for APTC or CSRs in a plan year may remain eligible for APTC and CSRs, as applicable, for the following plan year based on data available to the Exchange without providing any updated eligibility information. These current procedures result in redeterminations for APTC or CSRs based on information that may be considerably outdated. When Exchanges rely on prior plan year information or data obtained from trusted data sources only, it means the enrollee has not confirmed that such information remains accurate for purposes of redetermining their eligibility for the subsequent plan year. Given that eligibility for APTC and CSRs is highly sensitive to changes in income, family size, and other applicable eligibility criteria, reliance on information provided for a past plan year increases the likelihood of inaccurate eligibility determinations.

For example, consider an enrollee who provided a projected annual household income for PY 2026 in November 2025 and enrolled in PY 2026 coverage, but did not contact the Exchange during Open Enrollment for PY 2027. While Exchanges can produce an estimated PY 2027 annual household income derived from the PY 2026 income amount, or currently available data sources, an enrollee-provided projection for PY 2027 annual household income is more likely to accurately reflect the enrollee's anticipated financial and family circumstances. Unlike income estimates derived from prior-year information or currently available data sources, an enrollee-provided projection includes the enrollee's current knowledge of their financial situation for the subsequent plan year. Requiring enrollees to project their household income for the applicable benefit year and requiring Exchanges to verify the enrollee's projection reduces the likelihood of significant discrepancies between projected and actual income, thereby minimizing the risk of inaccurate APTC or CSR amounts being applied to the upcoming benefit year.

We have determined that requiring an enrollee to provide updated specified information for the applicable plan year or confirm that the specified eligibility information remains accurate to be redetermined eligible for APTC and CSRs would strengthen program integrity for the Exchanges. While section 71305 of the WFTC legislation removes the limitation on repayments of excess APTC, there are cost burdens to the IRS associated with recovering excess APTC. For example, there are enrollees who do not comply with the requirement to file a Federal income tax return and reconcile APTC. While the IRS has procedures to address non-compliance with tax filing requirements, the IRS must utilize resources to initiate these procedures and assess tax liability from excess APTC. These concerns are especially true when a current Exchange enrollment is improper or unauthorized and carried over into the next coverage year. Therefore, there is a significant program integrity benefit to the Federal Government by ensuring that all Exchange enrollees seeking financial assistance provide updated information or confirm their information remains an accurate basis upon which the Exchange can redetermine APTC or CSRs for the plan year.

Given the removal of the limitations on repayment of excess APTC under section 71305 of the WFTC legislation, we have also determined this annual requirement is critical to protecting enrollees from large potential tax liabilities. We expect that requiring enrollees to minimally confirm the

[20] As described in section II.A. in this proposed rule, we use the terms ''provide'' or ''confirm'' to describe the section 36B(c)(5)(A) of the Code requirement for consumers to provide or verify applicable enrollment information; in doing so, we consider ''confirm'' to be synonymous with ''verified'' where the statute refers to ''information . . . verified by the applicant.''

[21] CMS. (2023). *Guidance on Annual Redetermination and Re-enrollment for Marketplace Coverage for 2024 and Later* Years. Available at *www.cms.gov/files/document/guidance-annual-redetermination-and-re-enrollment-marketplace-coverage-2024-and-later-years.pdf.*

applicable eligibility information, or otherwise update the information, annually to be redetermined eligible for APTC and CSRs would help ensure that an enrollee's projected household income and other applicable eligibility criteria more accurately reflect the enrollee's expected circumstances for the subsequent plan year than current procedures. As a result, eligibility determinations would be based on more current information. In turn, APTC payments would be more closely aligned with the PTC that enrollees ultimately qualify for based on their actual household income for the plan year. We anticipate that more accurate APTC determinations would reduce the likelihood that consumers receive excess APTC and incur associated tax liability at reconciliation.

In addition, we previously finalized the requirements for enrollees to report changes that may affect their eligibility during the benefit year under § 155.330(b) in the Exchange Establishment Rule (77 FR 18374). Current § 155.330(b)(1) through (3) indicates that enrollees must report any changes relevant to the eligibility standards specified in § 155.305 within 30 days; however, enrollees who did not seek a determination for insurance affordability programs are not required to report changes affecting those programs, and the Exchange may set an income change threshold below which reporting is not required.

While the existing requirements under § 155.330(b) continue to apply, our proposed policy further strengthens our approach by requiring enrollees to provide or confirm specified eligibility information on an annual basis, and the Exchange to verify that information, to receive APTC and CSRs. Requiring this action on at least an annual basis ensures eligibility information is actively reviewed, rather than passively assumed to remain unchanged. Conditioning an enrollee's annual eligibility redetermination for APTC and CSRs on their affirmative provision or confirmation of eligibility information, and Exchange verification of that information, represents a more robust program integrity measure than the existing requirement under § 155.330(b) to report changes in circumstances within 30 days, which lacks an inherent enforcement mechanism to ensure enrollee compliance.

We are not proposing any changes to annual re-enrollment in QHPs because, as provided in section 36B(c)(5)(D) of the Code, which was added by section 71303 of the WFTC legislation, the new verification rules in section 36B(c)(5) of the Code do not affect an individual's ability to enroll in a QHP through an Exchange. We also have determined that it is appropriate under section 1411(f)(1)(B) of the Affordable Care Act to maintain this process. Annual automatic re-enrollment in health insurance plans continues to be an industry standard in the off-Exchange, unsubsidized individual and small-group markets. Continuing this practice in the Exchanges promotes continuous coverage. Exchanges would continue to be required to automatically re-enroll eligible individuals who do not make an active plan selection into a QHP under proposed § 155.335(c). This includes automatically re-enrolling individuals into a full-price QHP without APTC and CSRs, as well as re-enrolling individuals into a QHP with APTC and CSRs, if applicable, if the enrollee provided updated eligibility information pertaining to the subsequent plan year or confirmed that the prior plan year information remains accurate for the subsequent plan year and the Exchange verified that information, consistent with the requirements proposed under § 155.335(a)(1)(i) and (ii) of this subpart.

To be re-enrolled in a QHP through the Exchange with APTC and CSR, we propose that enrollees would be required to provide or confirm, and an Exchange would be required to verify, the specified eligibility criteria on or after August 1 preceding the coverage year. First, we propose the timing of this requirement to align with the start date of the proposed pre-OE verification period described in section III.A.9.c. of this proposed rule. In that section, we propose that Exchanges would be required to make available a verification period before the OEP to support applicants and enrollees in verifying certain eligibility information for the subsequent plan year. Aligning the start date for when enrollees would be required to verify certain information to be redetermined eligible for APTC and CSRs for the subsequent plan year with the start of the annual period intended to support verifications for the subsequent year would promote operational clarity and consistency for Exchanges, consumers, and other interested parties. In other words, we have determined that it would be clearest to consumers, agents, brokers, and other assisters that August 1 is the first day consumers, especially current enrollees, may begin providing information to the Exchange for purposes of verifying eligibility information for the subsequent plan year. We emphasize that enrollees would not be required to utilize the pre-OE verification period described in section III.A.9.c of the proposed rule and may instead provide or confirm their information during the OEP or until December 31 and have it verified by the Exchange to satisfy the requirement proposed in this section.

Second, we propose August 1 because it would increase the likelihood of accurate future year attestations by current enrollees and accurate verifications by Exchanges as compared to verification on an earlier date. For example, we are of the view that consumers are less likely to be able to reliably estimate their annual household income for the subsequent plan year earlier than August of the preceding year. Permitting Exchanges to conduct annual verifications earlier than August of the preceding year would also result in the use of older data than if verifications occur in August or later. For example, if an Exchange were to conduct verification procedures in May 2027 for purposes of determining eligibility for PY 2028, a data source available in May for coverage to begin in January, would make the data at least 8 months old.

Additionally, the IRS provides tax return data for the most recent tax year for which data is available to Exchanges once it becomes available. As a result, IRS tax return data accessed earlier in the year is more likely to reflect older income information compared to data accessed later in the year. We are concerned that permitting an earlier start date would decrease both the reliability of individuals' projected eligibility information and the accuracy of the Exchange's verification procedures, both of which this proposal is intended to improve. For example, for an enrollee who filed their Federal income tax return in March and reconciled past APTC, that latest income information is likely to be returned to an Exchange starting in May. However, for an enrollee who filed their Federal income tax return and reconciled past APTC near the April deadline or filed late, that latest income information is not likely to be returned to an Exchange starting in May or even June or July, depending on IRS processing. By August, we expect most tax filers without an extension are likely to have their latest tax data returned to the Exchange. Finally, a start date later than August 1 would mean enrollees have less time to provide or confirm their information and that there would be less time for Exchanges to verify it in time for January of the applicable plan year. Therefore, we are proposing on or after August 1 to reasonably balance all of these considerations.

We propose December 31 of the year preceding the applicable plan year as the deadline for an enrollee to provide or confirm their eligibility information for the purposes of annual redetermination for APTC and CSRs. This deadline provides enrollees the maximum amount of time during the year preceding the applicable plan year to provide or confirm such information before January 1 of the applicable plan year.

We solicit comment on the proposed August 1 to December 31 timeframe for enrollee and Exchange requirements for annual redeterminations for APTC and CSRs, especially from State Exchanges. We understand State Exchanges may find it challenging to implement these requirements for PY 2028. We also understand that some State Exchanges may be able to leverage or modify existing consumer touch-points and processes, as well as State-specific data sources—such as State wage data, which may be more current than IRS income data—to facilitate an earlier confirmation of information from enrollees than August 1 in such a way as to mitigate additional consumer burden, while still reducing the risk of inaccurate income projections.

We also note that while we propose an August 1 start date in this proposed rule, for the reasons discussed, under section 71303 of the WFTC legislation, the requirement for Exchanges to begin their pre-OE verification period is no later than August 1, but the statute does not prescribe an earliest permissible start date. Therefore, we are considering providing flexibility related to the start date for the first year only for State Exchanges. That is, we may permit State Exchanges to offer an earlier start date than August 1 only in 2027 (for PY 2028) for the annual redetermination requirement proposed in this section. This would give State Exchanges a longer verification window, in which they could communicate this new requirement to consumers and prompt the proposed required annual action by their existing enrollees to provide or confirm certain eligibility information so that Exchanges and enrollees would have more time to complete the required verifications in the first year of implementation as they become accustomed to the new annual requirements.

While we recognize that some State Exchanges may be better able to leverage or modify their existing processes if there is flexibility around the August 1 start date for the first year, for the reasons described previously, we have determined that an earlier start date could compromise the accuracy of attestations by enrollees and the accuracy of verifications by Exchanges, generally speaking. For this reason, we would likely identify limits to how much earlier in the year that State Exchanges could reasonably allow enrollees to provide or confirm their information while maintaining accuracy of the confirmed information and verifications for the purposes of the eligibility redetermination and re-enrollment tied to the subsequent plan year. We solicit comment, particularly from State Exchanges, on all aspects of this possible flexibility for State Exchanges, but in particular comment on what existing State Exchange practices would facilitate meeting the proposed consumer confirmation requirement earlier than the proposed August 1 date and what point in the plan year do these processes typically occur. Additionally, we seek comment in particular on what State Exchange processes would mitigate the risks of inaccurate projections from consumers or outdated verifications data if an earlier start date is permitted.

We clarify that under both current and proposed regulations, as part of the annual redetermination process for QHP for enrollees who have requested financial assistance, Exchanges are required to redetermine eligibility for Medicaid, CHIP, and the Basic Health Program (BHP), as applicable. The proposal to require enrollees to confirm certain information annually before APTC and CSRs may be redetermined under § 155.335 would not alter the existing requirement under § 155.305(f)(ii)(B) that an individual must be ineligible for Medicaid and CHIP to be eligible for APTC and CSRs. For an enrollee who confirms their information on or after August 1 of the year preceding the plan year, the Exchange would be required to determine eligibility under § 155.305, once it has sufficient information to do so, and the Exchange would be required to conduct verifications under §§ 155.315 and 155.320. As discussed in section III.9.c. of this proposed rule, during the pre-OE verification period an Exchange may choose to collect comprehensive eligibility information from consumers sufficient to make an eligibility determination or may request a more limited set of information insufficient to make an eligibility determination. Therefore, the Exchange would not be permitted to determine an enrollee APTC or CSR eligible for the subsequent year until the enrollee has provided or confirmed information which demonstrates to the Exchange whether the enrollee may be eligible for or enrolled in Medicaid, CHIP, or BHP.

If the individual is eligible for Medicaid, CHIP, or BHP, the Exchange must send the information to the State agency per section 1943 of the Social Security Act (the Act), added by section 2201 of the Affordable Care Act and implementing regulations at §§ 155.302(b) and 155.345. Coverage effective dates for Medicaid eligibility are governed by those standards found in section 1902(a)(34) of the Act. We note that section 71112 of Public Law 119–21 amends section 1902(a)(34) of the Act effective January 1, 2027, regarding retroactive eligibility periods. In addition, States must specify a method for determining the effective date of eligibility for separate CHIP, which can be determined based on the date of application or through any other reasonable method that ensures coordinated transition of children between CHIP and other insurance affordability programs as family circumstances change and avoids gaps or overlaps in coverage, consistent with 42 CFR 457.340(g). For BHP, States must establish a uniform method of determining the effective date of eligibility for enrollment in a standard health plan, in accordance with 42 CFR 600.320(c). States may elect to follow the Exchange effective date standards at 45 CFR 155.420(b)(1); the Medicaid effective date standards at 42 CFR 435.915, exclusive of 42 CFR 435.915(a), which will be superseded by section 71112 of Public Law 119–21 effective January 1, 2027; follow an effective date of eligibility of the first day of the month following the month in which BHP eligibility is determined; or, follow an effective date of eligibility standard established by the State and subject to HHS approval. If the enrollee provided or confirmed their information, is not eligible for Medicaid, CHIP, or BHP, and the Exchange successfully verified the applicable eligibility information, then the Exchange would redetermine the enrollee eligible for APTC or CSRs, if otherwise eligible under § 155.305.

We seek comment on methods for Exchanges to implement the requirement proposed in this section that minimizes burden on Exchanges and enrollees. We seek comment on the methods that an Exchange should be permitted to use to obtain a current enrollee's confirmation of, or update to, the specified eligibility criteria (that is, household income and family size, U.S. citizenship or status as a lawfully present eligible non-citizen, eligibility for or enrollment in other MEC, and place of residence). The single streamlined application under § 155.405

would be one compliant method for an Exchange to obtain an enrollee's confirmation of, or update to, the specified eligibility information. We are interested in commenters' input on this method and on other strategies. Given that this proposal intends to require enrollees to have an active role in confirming or updating specified eligibility information for purposes of the subsequent plan year, we seek input on methods of implementation that balance the policy goal of accurate attestations for the subsequent plan year with the burden it may impose on enrollees who are eligible to remain enrolled in Exchange coverage with APTC and CSRs.

We propose in § 155.335(b) that the effective date for the annual eligibility redetermination of eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, would be the first day of the applicable plan year. This means if an applicant provides or confirms the specified information and the Exchange verifies it before January 1, an Exchange would be required to redetermine APTC and CSRs under § 155.305 and proposed § 155.335 effective on January 1 of the plan year.

However, we propose an exception to redeterminations of APTC and CSRs for instances when an enrollee has an unresolved DMI related to the applicable enrollment information and for whom APTC and CSRs cannot be provided during the inconsistency period as of December 31 of the year preceding the plan year. We propose that the effective date for the APTC and CSRs redeterminations in these instances where the redetermination occurs in the applicable benefit year, rather than before, follow the rules established in §§ 155.315(f)(4)(iv) or 155.330(f)(3), as applicable.

Under proposed § 155.335(a), the Exchange would redetermine eligibility for APTC and CSRs in accordance with § 155.305 when the specified information is verified under §§ 155.315 and 155.320, including the relevant provisions in those sections regarding inconsistencies. This includes instances when enrollees are eligible for APTC and CSRs at the conclusion of the inconsistency period based on trusted data source information. For example, consider an enrollee who confirms their information for plan year 2028 on October 1, 2027. The Exchange verifies their applicable enrollment information in real-time except for income and therefore, generates an income DMI under proposed § 155.315(f)(4)(ii) that prevents APTC and CSRs from being provided during the inconsistency period. On December 31, 2027, the income DMI expires. The Exchange would redetermine eligibility for APTC and CSRs after the income DMI expires by relying on trusted data source information. In this scenario, IRS data indicates that the enrollee is eligible for APTC and CSRs, which is effective January 1 in accordance with proposed § 155.335(b). Now consider the same enrollee except they confirm their information for plan year 2028 on November 1, 2027. The enrollee's income DMI remains open as of December 31 and then expires on January 31, 2027. IRS data indicates that the enrollee is eligible for APTC and CSRs, which is effective on February 1, 2027, in accordance with proposed § 155.335(b)(1).

We also clarify that we are proposing in this section that the proposed rules in § 155.315(f)(4)(iii) (discussed in III.A.4.d. of this proposed rule) regarding payment of APTC and CSRs during an inconsistency period resulting from mid-year redeterminations would also apply to payment of APTC and CSRs during an inconsistency period resulting from an annual redetermination. Under § 155.335(a)(1)(ii), we propose that an Exchange would verify the information in § 155.335(a)(1)(i) in accordance with §§ 155.315 and 155.320 before determining an enrollee eligible for APTC and CSRs, which includes the proposed rules described in § 155.315(f)(4)(iii). Under the proposed rules described in § 155.315(f)(4)(iii), if an enrollee reports a change that would increase the amount of APTC or CSRs after an Exchange has completed verification of the applicable enrollment information using the enrollee's information from their immediately preceding eligibility determination, then the Exchange would be required to maintain APTC or CSRs at the previously verified amount during the inconsistency period. If that DMI is successfully resolved, an Exchange would be required to redetermine eligibility and adjust the amount of APTC or CSRs upwards based on the consumer's verified information. If that DMI is not resolved, the Exchange would be required to redetermine QHP and APTC and CSR eligibility, as applicable, on the basis of records maintained by a trusted data source, which may include removal of QHP or APTC eligibility. Conversely, if an enrollee reports a change that would decrease APTC or CSRs, then the Exchange would be required to reduce APTC or CSRs based on the enrollee's attested information during the inconsistency period. All of these circumstances could occur for enrollees who have met the requirements proposed under § 155.335(a)(1) and subsequently report a change before the plan year begins that results in a DMI related to the applicable enrollment information for the following plan year. Therefore, we propose the same rules regarding APTC and CSRs would apply for the annual redetermination effective on January 1, 2028, to ensure consistent treatment of enrollees reporting changes for the same plan year, regardless of whether the changes are reported before the plan year or within the plan year.

Consider an enrollee who confirmed their information for the subsequent plan year and such information was verified in October, satisfying the requirements in proposed § 155.335(a)(1). This enrollee would be eligible for APTC and CSRs under § 155.305, as required under proposed § 155.335(a), and the determination would be effective January 1 of the applicable benefit year, under proposed § 155.335(b). The enrollee reports a change to the Exchange in December that results in a DMI related to the applicable enrollment information, and the Exchange makes a new determination that either lowers or maintains the amount of APTC during the inconsistency period. Because the requirements under proposed § 155.335(a)(1)(i) would be met and there would be a verified APTC and CSR amount that would satisfy proposed § 155.335(a)(1)(ii) as of December 31 of the year preceding the plan year, and the APTC and CSRs redetermination—either lowered or maintained—would be effective on January 1 under this section's proposed rules, if finalized as proposed.

We recognize that Exchanges, issuers, consumers, agents, brokers, and web-brokers may have developed reliance interests in the existing annual redetermination procedures. Many Exchanges automatically re-enroll a significant portion of their Exchange population in QHP coverage with APTC or CSRs without requiring action for enrollees without changes to report. We recognize that Exchanges have invested in their enrollee communication infrastructure and eligibility and enrollment systems to operationalize and support the current annual redetermination policy. We acknowledge that implementation of this proposal would require Exchanges to modify existing enrollee communication and eligibility redetermination and re-enrollment processes. Specifically, Exchanges would likely need to make substantial system changes to update eligibility

redetermination and re-enrollment functionality, including technical processes and enrollee notice templates and other communications related to continuing or discontinuing APTC or CSRs, as applicable, to comply with the proposed requirement, if finalized. Such changes would include modifications to annual re-enrollment backend processes to permit automatic eligibility redetermination and re-enrollment in QHP coverage only. We also anticipate that Exchanges would need to conduct system testing and validation activities after completing updates to ensure compliance with the requirements of this proposal.

Exchanges could choose to develop and implement processes designed to streamline the collection of applicable enrollment information for re-enrollees with APTC or CSRs. We anticipate that, over time, Exchanges would refine their processes and identify more efficient approaches to facilitate compliance, thus minimizing administrative burden on enrollees. For example, Exchanges could utilize the single streamlined application with pre-populated information from the enrollee's most recent application; design and implement a simplified application review mechanism that would make it easier for enrollees to review and confirm application information; provide previously submitted application information through alternative means, like a notice, that an enrollee would be required to respond to; or adopt a combination of these or other approaches, as appropriate, to best service their enrollee populations in meeting the proposed requirement. For strategies available to Exchanges for collecting the applicable enrollment information provided or confirmed by the enrollee, or their application filer, during the pre-OE verification period, see section III.A.9.c.vi. of this proposed rule.

We recognize that this proposal, if finalized, would require updates to issuers' enrollment projections and associated business procedures. We anticipate that issuers would need to modify operational and administrative processes, including coordinating more closely with Exchanges to reconcile enrollment transactions, process terminations and re-enrollments, and update enrollee communications. We also acknowledge that issuers may experience changes in enrollment patterns, including increased enrollee churn, which could affect risk pool predictability, particularly during the initial years of implementation.

Because of the longstanding policy of automatic re-enrollment with APTC or CSRs without required action by enrollees, many enrollees may continue to expect that their coverage with financial assistance will continue from year to year with no action required on their part. Enrollees who otherwise would have taken no action but must do so to remain eligible for APTC or CSRs under this proposed policy would have additional burden to provide or confirm their eligibility information, which may result in DMIs that require the submission of documents so the Exchange can verify information that could not be verified through a trusted data source. Some of these enrollees may not provide or confirm their information at all due to a lack of knowledge about this change in policy, which would result in a loss of APTC or CSRs. Enrollees who are automatically re-enrolled into QHP without APTC or CSRs would have the opportunity to update or confirm their eligibility determination during the plan year, in which case the Exchange would redetermine eligibility for APTC and CSRs in accordance with § 155.330(a). However, some portion of these enrollees would not be able to pay the full cost of enrollment which would prompt them to disenroll or be disenrolled for nonpayment of premiums, under the termination rules in § 155.430(b)(2)(ii). In this instance, such individuals would need a qualifying life event to re-enroll in a QHP outside of the yearly OEP through an SEP. With this in mind, we expect that the required notification under § 155.410(h), Exchange outreach, and extensive training for those assisting individuals with Exchange coverage, such as agents, brokers, and assisters, would be essential to minimizing the population of enrollees who do not provide or confirm their eligibility information with the Exchange at all and therefore lose financial assistance.

Similarly, we assume that many agents, brokers, and web-brokers have structured their staffing, outreach, client management practices, and operational workflows around existing automatic eligibility redetermination and re-enrollment practices. Changes to these procedures may necessitate adjustments to how agents, brokers, and web-brokers engage with clients, including increased efforts to prompt all of their enrollees to provide or confirm information for the subsequent plan year, which may impact their staffing needs and business costs. For example, some agents, brokers, and web-brokers who have historically adopted a staffing model focused on increasing seasonal support during the OEP may deem it necessary to expand the period of time during which they employ workers to include the pre-OE verification period to support all their clients. We expect the availability of the pre-OE verification period would support agents, brokers, and web-brokers in assisting their clients with meeting the proposed Exchange requirements for annual re-enrollment with APTC and CSRs. This is because the pre-OE verification period would give agents, brokers, and web-brokers three additional months to submit eligibility information to the Exchange on behalf of their clients and help their clients resolve DMIs, if they have them, for an applicable plan year. We also expect that agents, brokers, and web-brokers would identify opportunities to improve the services they provide within the shifting landscape to set themselves apart from their competitors.

Despite the costs associated with these groups making necessary modifications for this proposal, we have determined that the proposed change is critical to ensuring the integrity and accuracy of Exchange redeterminations and authorization of APTC and CSRs across plan years. As described in this section, we have determined that requiring enrollees to annually provide or confirm their eligibility information strengthens Exchange program integrity and better aligns APTC determinations with PTC determinations. Additionally, it would help protect enrollees from potentially significant tax liabilities at reconciliation, particularly given the removal of repayment limitations. In addition, this proposal would bring Exchange operations into closer alignment with the statutory framework established under the WFTC legislation. We seek comment on these proposals.

8. Enrollment of Qualified Individuals Into QHPs (§ 155.400)

a. Binder Payment for New Enrollments (§ 155.400(e))

We are proposing to modify § 155.400(e) to ensure the new enrollments proposed in §§ 155.410 and 155.420 of this rule are subject to appropriate binder payment rules, as well as to ensure that certain existing SEPs are subject to the binder payment rules, when they were previously inadvertently omitted.[22] Specifically, we propose to merge § 155.400(e)(1)(i) and (ii) into paragraph (e)(1)(i), which would provide that Exchanges may, and the FFE and SBE–FPs must, make prospective enrollments (including both

[22] HHS regulations require enrollees to pay the first month's premium, known as the binder payment, to effectuate coverage.

prospective enrollments through OEP and SEPs) subject to the binder payment rules for prospective enrollments under current § 155.400(e)(1)(ii). This would include prospective enrollments under §§ 155.410(f); 155.420(b)(1), (2), (3), (5); and proposed § 155.420(b)(6)(ii) (which is discussed in III.A.10. of this proposed rule). In § 155.400(e)(1)(ii), we propose that Exchanges may, and the FFE and SBE–FPs must, make retroactive enrollments under proposed § 155.410(f)(5)(i)(A) and (B); § 155.410(f)(5)(ii)(A) and (B); § 155.420(b)(1), (2), (3), and (5); and proposed § 155.420(b)(6)(i) subject to the current binder payment rules for retroactive enrollments under current § 155.400(e)(1)(iii) (proposed to be redesignated as § 155.400(e)(1)(ii)). The proposals related to retroactive enrollments are discussed in sections III.A.9 and III.A.10. of this proposed rule. We also propose to make a conforming amendment at § 155.400(e)(1)(i). Finally, we propose certain technical amendments to § 155.400(e)(1).

As background, HHS' regulations currently require that, on FFEs and SBE–FPs, and in State Exchanges that adopt a binder payment policy, the deadline for making the binder payment must be within a specified range:

(1) For enrollments with regular coverage effective dates, the deadline must be no earlier than the coverage effective date, and no later than 30 calendar days from the coverage effective date;

(2) For enrollments with special effective dates,[23] the deadline must be no earlier than the coverage effective date and no later than 30 calendar days from the date the issuer receives the enrollment transaction or the coverage effective date, whichever is later; and

(3) For enrollments with retroactive effective dates, the deadline must be no earlier than 30 calendar days from the date the issuer receives the enrollment transaction. In addition, effectuation of retroactive coverage requires payment of premium for all retroactive months of coverage through the first prospective month, and if only one month's premium is paid, coverage is effectuated prospectively.

In the 2015 Payment Notice (79 FR 30240), HHS established in § 155.400(e) that Exchanges may, and the FFE and SBE–FPs must, require payment of the first month's premium to effectuate an enrollment. In the 2016 Payment Notice (80 FR 10750), HHS established the initial requirements regarding deadlines for making the binder payment under regular coverage effective dates (no earlier than the coverage effective date, and no later than 30 calendar days from the coverage effective date), and special effective dates (30 days from the date the issuer received the enrollment transaction). These rules were updated in the 2017 Payment Notice (81 FR 12204), to provide that, for making the binder payment under special effective date rules, the deadline may be no earlier than the coverage effective date and no later than 30 calendar days from the date the issuer receives the enrollment transaction or the coverage effective date, whichever is later. HHS also established the rules regarding making the binder payment for retroactive enrollments.

HHS established the binder payment rules to ensure a consistent process on the FFE for collection of the first month's premium by issuers. HHS further established specific deadlines for issuers to collect binder payments to balance the interests of flexibility for issuers in collecting premiums (traditionally a business decision made by issuers), and consumer protection. The rules that we established balanced these needs by ensuring that issuers could not require payment of the first month's premium earlier than the coverage effective date, but also that they must require payment within 30 days. For retroactive enrollments, which may require payment of multiple months of premiums, the rule ensured that consumers would have at least 30 days from the date the issuer received the enrollment transaction to pay the binder payment, while also providing flexibility to issuers to set a later payment due date.

We propose to amend § 155.400(e)(1)(i) to state that the binder payment rules in that section would continue to apply to prospective enrollments under § 155.410(f) but would not apply to retroactive enrollments under proposed § 155.410(f)(5)(i) and (ii). Similarly, we propose that the binder payment rules in § 155.400(e)(1)(i) would apply to prospective enrollments under § 155.420, including §§ 155.420(b)(1), (2), (3), (5) as well as proposed § 155.420(b)(6)(ii). Additionally, and as a mirror to proposed § 155.400(e)(1)(i), we propose to amend § 155.400(e)(1)(iii) and redesignate it as paragraph § 155.400(e)(1)(ii) to specify that the binder payment rules in that section would apply to retroactive enrollments in proposed § 155.410(f)(5)(i)(A) and (B) and (ii)(A) and (B); § 155.420(b)(2), (3), and (5); and proposed § 155.420(b)(6)(i). We propose these changes to ensure that the new enrollments proposed in this rule are subject to appropriate binder payment rules. We also propose these changes to ensure that certain existing SEPs are subject to the binder payment rules, when they were previously inadvertently omitted. The proposed new enrollments are described below.

In section III.A.9. of this proposed rule, we propose to add new § 155.410(f)(5)(i) and (ii), which would (depending on the annual OEP dates in effect)[24] establish new effective date rules for when an applicant resolves a DMI as described in proposed § 155.315(f)(4)(ii) and has elected to pend their plan selection as described in proposed § 155.400(i). Specifically, we propose in §§ 155.410(f)(5)(i)(A) and (ii)(A) that if a consumer's DMIs are resolved on or before the fifteenth of the month following the consumer's otherwise-prescribed coverage effective date, then their QHP would be effective on their prescribed coverage effective date. These enrollments could be prospective or retroactive depending on when DMIs are resolved. In § 155.410(f)(5)(i)(B) and (ii)(B), we propose new retroactive effective date rules when DMIs described in § 155.315(f)(4)(ii) are not resolved by the 15th of the month following the consumer's otherwise-prescribed coverage effective date. This would be the first time that plan selections made through OEP could result in a retroactive enrollment.

In section III.A.10. of this proposed rule, we also propose to add § 155.420(b)(6) to provide the effective dates for coverage if a consumer qualifies for an SEP and elects to pend their enrollment until all DMIs related to the applicable enrollment information are resolved. Under proposed § 155.420(b)(6)(i), if the DMI is resolved on or before the 15th of a month, coverage would be effective the 1st of the same month.[25] This would establish a new retroactive effective date for coverage enrolled in through an SEP.

As a result of these proposed changes, consumers would, in certain circumstances, be permitted to pend plan selections made through OEP, which would be released to the issuer upon successful resolution of the DMIs related to the applicable enrollment information. This could result in a

[23] Special effective dates are described in § 155.420(b)(2) and refer to effective dates for certain SEPs (such as the marriage SEP described in (b)(2)(ii)).

[24] For a discussion of the OEP effective date provisions, see section III.A.9.b of this proposed rule.

[25] As above, under proposed § 155.420(b)(6)(i), if the inconsistency is resolved after the 15th of the month, coverage would be effective on the 1st of the following month.

situation where a prospective enrollment is released to the issuer after the coverage effective date. For example, if a consumer resolves their DMIs on December 31, the pended plan selection may not be released until after the January 1 coverage effective date. In contrast, under current rules, plan selections with prospective enrollments are usually released to the issuer prior to the coverage effective date.[26] For example, plan selections made on or before December 15 are generally released to the issuer no later than December 16, approximately two weeks before the coverage effective date of January 1.

Therefore, we propose to merge current § 155.400(e)(1)(i) and (ii) into § 155.400(e)(1)(i) such that all prospective enrollments would be governed under the rules for payment of the binder payment under current § 155.400(e)(1)(ii). This would ensure that the deadline for making the binder payment is not before the issuer receives the enrollment transaction when the enrollee would not have a chance to pay the binder payment, and that the enrollee has enough time (at least 30 days) to make the binder payment and effectuate coverage. The binder payment would be required to consist of the premium for all months of retroactive coverage (which in this scenario would be limited to 1 month) plus the premium for the following months' coverage, which means that the enrollee would always have to pay a minimum of two months of premium in this scenario to effectuate coverage. However, enrollees would also have the option to pay one month of premium and effectuate prospective coverage only.

We also propose to make amendments to § 155.400(e)(1)(i) and (ii) to add references to SEPs that were inadvertently omitted. Specifically, we propose to add a reference to the SEPs at § 155.420(b)(1) (describing regular coverage effective dates) and (b)(5) (describing the option for earlier effective dates due to untimely notice of triggering event) to § 155.400(e)(1)(i). We also propose to add references to the SEPs at § 155.420(b)(3) (describing the option for earlier effective dates) and (b)(5) (describing the option for earlier effective dates due to untimely notice of triggering event) to § 155.400(e)(1)(ii). We are of the view that these prospective and retroactive enrollments should, like all others, be subject to the binder payment rules for prospective and retroactive enrollments, respectively.

Finally, we propose to make several technical edits to § 155.400(e)(1) which would clarify the requirements of this regulation. First, we propose to change the phrase ''from the date the issuer receives the enrollment transaction'' to ''after the later of the dates the issuer receives the enrollment transaction or the coverage effective date'' in proposed § 155.400(e)(1)(i), and to make similar edits to proposed § 155.400(e)(1)(ii), to more clearly set forth the binder payment deadline in each provision. In proposed § 155.400(e)(1)(ii), we propose to replace ''through'' with ''and for'' when discussing payment for the first prospective month of coverage. In § 155.400(e)(1)(ii), we propose to change ''only prospective coverage must be effectuated'' to ''issuers must effectuate prospective coverage,'' in addition to adding the phrase ''but less than the full amount owed,'' to clarify the requirement that issuers must effectuate prospective coverage when an enrollee who is eligible for retroactive coverage pays at least one month of premium, but less than the full amount owed by the binder payment deadline. Finally, we propose to remove the references to ''regular effective dates'' and ''special effective dates'' from § 155.400(e)(1), since these phrases are used differently in § 155.420, which may cause confusion. For example, in § 155.420(b)(1), the phrase ''regular effective dates'' refers to SEP enrollments other than those specified in § 155.420(b)(2) and (3), whereas in the current § 155.400(e)(1)(i) the phrase ''regular effective dates'' refers to enrollments through OEP.

We seek comment on this proposal.

b. Plan Selection in the Case of Certain DMIs (§ 155.400(i))

We are proposing to add new § 155.400(i) to require that Exchanges permit applicants and enrollees to ''pend'' their plan selection until the information for DMIs related to the applicable enrollment information is verified.

As described in section III.A.4.b. of this proposed rule, we propose that Exchanges may not be permitted to authorize payment for APTC and CSRs, as applicable, for applicants and enrollees who have DMIs related to the applicable enrollment information until that information is verified. While applicants and enrollees with these DMIs may choose to enroll in full-cost coverage through an Exchange according to the effective date rules described at §§ 155.410 and 155.420 while the DMI is pending, some may be unable to afford to do so. Therefore, we propose to require Exchanges to permit applicants and enrollees to ''pend'' their plan selection during their inconsistency period such that the plan selection is only sent to the issuer, and QHP coverage only becomes effective, after the Exchange determines the applicant or enrollee eligible for APTC and CSRs, as applicable, as described by § 155.315(f)(4)(iv) or § 155.315(f)(5). For a discussion of when an applicant's or enrollee's pended plan selection (PPS) would become effective, refer to section III.A.9. of this proposed rule.

As background, a PPS is an option provided to applicants utilizing the FFE and SBE–FPs today while their SEP pre-enrollment verification, referred to as SEP Verification, is in progress. Currently, new applicants enrolling through the FFE and SBE–FPs can pend a plan selection after submitting an application that requires SEP Verification in accordance with § 155.420(g). New applicants subject to SEP Verification generate a special enrollment period verification issue (SEP verification issue) and are required to provide documentation to an Exchange demonstrating that they have experienced an SEP qualifying event before they can enroll in QHP coverage. New applicants are permitted to select and ''pend'' the QHP they would like to be enrolled in upon resolution of their SEP verification issue so they do not have to return to the Exchange to select a plan and enroll after their SEP verification issue is resolved. These PPSs are stored within an Exchange's records only and are released to the issuer upon successful resolution of the applicant's SEP verification issue. We have determined that a similar process is needed to allow applicants to pend QHP enrollments when they are not eligible to receive APTC or CSRs during an inconsistency period for DMIs related to the applicable enrollment information because applicants may be unwilling or unable to enroll in a full price QHP during that period. Therefore, we propose that an Exchange would be required to allow applicants and enrollees to elect to pend a plan selection that would be released to the issuer if and when the Exchange determines the applicant or enrollee eligible for APTC and CSRs, as applicable, as described by § 155.315(f)(4)(iv) or § 155.315(f)(5). This would streamline the enrollment process for applicants and enrollees who elect not to enroll in a full-price QHP during their inconsistency period

[26] One exception would be situations in which a consumer enrolls through an SEP on the last day of a month with a coverage effective date of the 1st of the following month, in which case the enrollment transaction may not be sent to the issuer until on or after the coverage effective date.

because it would remove the burden of them returning to an Exchange to enroll in a plan once the relevant DMIs are resolved. Under our proposed rule, applicants and enrollees would also have the option to enroll in a full-price QHP during the inconsistency period, which, as of today, could be selected in a single session along with the application submission.

We note that this policy is particularly important for individuals who enroll using an SEP. As described in section III.A.4.b. of this proposed rule, applicants and enrollees with a DMI related to the applicable enrollment information would have a 90-day window to resolve their DMI. Upon resolution of their DMIs by an Exchange, as described in proposed § 155.315(f)(4)(ii), such applicants or enrollees could start receiving APTC and CSRs, if otherwise eligible. In contrast, individuals enrolling through an SEP generally have only 60 days from the triggering event to select a plan. For example, if an applicant becomes newly eligible to enroll in a QHP on March 1, they would generally have until April 30, which is 60 days from the date they became eligible to enroll in a QHP, to select a QHP using that SEP. If, on April 30, this applicant submits an application to enroll through the SEP and also generates a DMI related to the applicable enrollment information, then this applicant would have a 90-day inconsistency period until July 29 to provide documentation to an Exchange to resolve their DMI. In this scenario, if the applicant used any of the 90-day period to resolve their DMI and did not have the opportunity to pend their enrollment, they would be unable to enroll in a plan after an Exchange resolved their DMI because the 90-day inconsistency period would begin after the 60-day SEP window to select a plan ended.

We have similar concerns regarding the mismatch between inconsistency period timelines and enrollment period timelines for applications submitted during the OEP. Based on policies proposed elsewhere in this rule, starting with the PY 2028, applicants and enrollees seeking to enroll with APTC and CSRs would miss the opportunity to enroll during OEP if an Exchange does not resolve their DMIs related to the applicable enrollment information before the end of the OEP, unless they are permitted to pend their plan selections. For example, suppose on December 15 an applicant applies for QHP coverage and financial assistance which generates a DMI related to the applicable enrollment information, the applicant provides documentation to resolve the DMI on January 5, and it takes an Exchange 15 days to resolve the DMI which occurs January 20. If the applicant waits until their DMI is resolved to enroll in a QHP, then (absent an SEP) they would be unable to enroll because OEP would have already ended if the Exchange has a January 15 OEP end date. Despite Exchanges' best efforts to create efficient processes for DMI resolution, the potential for Exchange backlogs and delays in processing documents creates a risk that many DMIs generated during the OEP will not be resolved before the end of the OEP for reasons beyond the applicant or enrollee's control. Therefore, permitting PPSs is crucial for applicants and enrollees who cannot, or do not want to, enroll in an unsubsidized QHP during an inconsistency period when APTC and CSRs cannot be paid.

To address these concerns, we are proposing to add new § 155.400(i), so that an Exchange would be required to: (1) accept a QHP selection from applicants and enrollees with DMIs related to the applicable enrollment information; and (2) at the option of the applicant or enrollee, transmit to a QHP issuer the enrollment information necessary to enable the QHP issuer to enroll the consumer only upon the Exchange determining the applicant or enrollee eligible for APTC and CSRs, as applicable, as described by § 155.315(f)(4)(iv) or § 155.315(f)(5).

We are adding, ''at the option of the consumer'' language, to make it clear that an applicant also has the option to enroll in full price QHP coverage during the inconsistency period for a DMI related to the applicable enrollment information if they so choose. Additionally, we note that some households may have DMIs that only prevent APTC and CSRs for some household members and not others (such as those related to eligibility or enrollment in other coverage), in which case APTC would be payable but the total amount of APTC payable during the inconsistency period would be lower than if the information related to the DMI was verified. In this circumstance, all household members may want to enroll in a QHP during the inconsistency period as they would not be required to pay the full cost.

We seek comment on this proposal. We understand that State Exchanges may find it challenging to implement these requirements for PY 2028. Therefore, we are considering providing flexibility to State Exchanges to delay implementation of the proposed PPS requirements until PY 2029. In particular, we seek comment from State Exchanges and other interested parties on the operational burden these proposed requirements would create and whether flexibility is needed to provide sufficient time for State Exchanges to build appropriate IT systems. We additionally welcome suggestions on equivalent alternatives to PPS for State Exchanges that would accomplish the same goal.

Furthermore, we are also considering allowing the release of the PPS at the end of the inconsistency period when an applicant has failed to verify their attested information and an Exchange redetermines the applicant ineligible for APTC and CSRs based on trusted data sources as described in § 155.315(f)(5). We are concerned that applicants may not have alternate paths to coverage when their DMI is expired outside of the OEP and we want to preserve applicants' access to health insurance even without financial assistance. The applicant would still have the ability to cancel their plan if they do not wish to maintain the coverage without assistance.

We seek comment from State Exchanges and other interested parties on whether a PPS should also be released when applicants are redetermined ineligible for APTC and CSRs at the end of their inconsistency period or if applicants should be given an option at point of application to decide if they would like their PPS to be released without APTC or CSRs at the end of their inconsistency period. We also seek comment from State Exchanges and other interested parties on other situations where releasing a PPS before the end of the inconsistency period might be warranted and options for doing so.

9. Initial and Annual Open Enrollment Periods (§ 155.410)

a. Notice of Annual Open Enrollment Period

We propose to revise § 155.410 to redesignate § 155.410(d) as § 155.410(d)(1) and add § 155.410(d)(2) to require Exchanges, starting in 2027, to provide the written annual OE notification to each enrollee no earlier than the first of the month preceding the pre-OE verification period proposed in section III.A.9.c. of this proposed rule and no later than the first day of the OEP.

Exchanges are currently required to provide the annual OE notification in the month before the start of the OEP. This notification generally provides consumers with important information and requested actions for the subsequent plan year. Given that the proposed pre-OE verification period

would be available to consumers to satisfy some of the verification requirements for a future plan year, it is important to permit Exchanges to send the required annual OE notification earlier than is currently permitted. We considered creating a separate new requirement for Exchanges to send a written notification in advance of the pre-OE verification period. However, we are of the view that requiring separate notifications could inhibit Exchanges from designing the most effective outreach strategy to educate consumers about the earlier verification period and the existing OEP, though nothing would prohibit them from sending multiple notices as long as one satisfies the requirements of proposed § 155.410(d)(2). Exchanges are best positioned to create effective communications for their consumers to ensure they understand the availability of the pre-OE verification period, the OEP, and what steps they are required to take in advance of the subsequent plan year.

We request comment on this proposal.

b. Effective Dates for QHP Selections

We propose to add new § 155.410(f)(5), which would provide limited exceptions to the annual OEP effective date rules otherwise specified in § 155.410(f). These exceptions would provide the QHP effective date rules when, during the annual OEP, a consumer pends their plan selection because they have a DMI related to the applicable enrollment information. We also propose amendments to the open enrollment and related effective date rules in § 155.410(e)(4) and (f)(3) to account for ongoing litigation.

Sections 1311(c)(6) and 1321(a) of the Affordable Care Act afford HHS broad authority to offer enrollment periods and to operate Exchanges. Section 155.410(e) provides annual OEP dates and § 155.410(f) provides effective dates for such enrollments. Until we finalized the Marketplace Integrity and Affordability final rule (90 FR 27074), § 155.410(e)(4) required that, for benefit year 2022 and later, the annual OEP must begin on November 1 of the calendar year preceding the benefit year and end January 15 of the benefit year. There were two exceptions to these start and end dates. First, State Exchanges had the option to adopt an end date later than January 15. Second, State Exchanges were permitted to maintain an annual OEP start date that was earlier than November 1 preceding the benefit year, in certain cases. Throughout this section, we refer to these policies as the ''extended OEP.'' Effective date rules for plan selections made during the extended OEP policy were enumerated at § 155.410(f)(3).

In the Marketplace Integrity and Affordability final rule, we finalized new § 155.410(e)(5) requiring that, for PY 2027 and beyond, the annual OEP for all Exchanges must begin no later than November 1 and end no later than December 31 preceding the benefit year. Throughout this section, we refer to this policy as ''shortened OEP.'' We also finalized effective date rules for plan selections made during the shortened OEP at § 155.410(f)(4), requiring a coverage effective date of January 1. Finally, we finalized conforming amendments to § 155.410(e)(4) (related to the OEP) and (f)(3) (related to effective dates) to indicate that they would cease to apply after benefit year 2026.

On June 12, 2026, the U.S. District Court for the District of Maryland vacated the addition of § 155.410(e)(5) and (f)(4) in the Marketplace Integrity and Affordability final rule, which required a shortened OEP and imposed related effective dates for 2027 and later.[27] The court did not explicitly vacate the conforming amendments to § 155.410(e)(4) and (f)(3), which sunset the previous open enrollment period and related effective dates at the end of 2026. As such, § 155.410(e) and (f), do not currently specify an open enrollment period or related effective dates for PY 2027 and beyond. Notwithstanding, we interpret the court's vacatur to extend to the conforming amendments, such that the version of § 155.410(e)(4) and (f)(3) in effect immediately before the effective date of the Marketplace Integrity and Affordability final rule—requiring an extended OEP and related effective dates—did not sunset and continues to apply in PY 2022 and beyond.[28]

HHS is appealing the District Court's decision.[29] As such, we are uncertain whether the extended OEP or shortened OEP policies will be in place for PY 2028, when this proposed rule would go into effect. Therefore, we are proposing two distinct sets of coverage effective date rules for PY 2028 and beyond for consumers who pend their plan selections during the annual OEP. First, at § 155.410(f)(5)(i), we are proposing rules for benefit years when the extended OEP policies enumerated in § 155.410(e)(4) apply. Second, at § 155.410(f)(5)(ii), we are proposing rules for benefit years when the shortened OEP policies enumerated in § 155.410(e)(5) apply. Additionally, we propose two amendments to account for the fact that the U.S. District Court for the District of Maryland did not explicitly vacate the conforming amendments to § 155.410(e)(4) and (f)(3). First, we propose language in new § 155.410(e)(4)(iv) to indicate that, if our appeal is unsuccessful and § 155.410(e)(5) is vacated, the requirements of § 155.410(e)(4) would apply for PY 2022 and beyond. Second, we propose language in new § 155.410(f)(3)(iii) to indicate that, if our appeal is unsuccessful and § 155.410(f)(4) is vacated, the requirements of § 155.410(f)(3) would apply for PY 2022 to 2027 only—as the requirements of proposed § 155.410(f)(5) would apply for PY 2028 and beyond. For the proposal to establish new coverage effective dates for PY 2028 and beyond, first, at § 155.410(f)(5)(i), we propose coverage effective date rules for consumers who pend their plan selection during the annual OEP for benefit years when there is an extended OEP. At § 155.410(f)(5)(i)(A), we propose that if a consumer pends their plan selection during the annual OEP and resolves all of their DMIs related to the applicable enrollment information by the 15th of the month following the effective date specified in § 155.410(f)(3), then coverage would be effective on the date specified in § 155.410(f)(3). If, however, they do not resolve all of their DMIs on or before the 15th of the month following the effective date specified in § 155.410(f)(3), then their coverage effective date would depend on when their DMIs were resolved. If their DMIs were resolved on or before the 15th of the month, their coverage effective date would be the first of that month. If their DMIs are resolved between the 16th and the end of the month, then their coverage effective date would be the first of the following month.

To illustrate, consider a consumer who pends their plan selection on December 20 and resolves all DMIs related to the applicable enrollment information on February 6. Because their plan selection was received by the Exchange between December 16 and January 15, then their coverage effective date under § 155.410(f)(3)(i)(B) would be

[27] See *City of Columbus* v. *Kennedy,* No. 1:25–cv–2114 (D. Md.), *https://litigationtracker.law.georgetown.edu/wp-content/uploads/2025/07/City-of-Columbus_2026.06.12_ORDER.pdf.*

[28] *See* for example, *www.cms.gov/files/document/statement-re-city-columbus-080426.pdf* and *https://www.healthcare.gov/quick-guide/dates-and-deadlines/,* setting forth extended OEP dates for PY 2027.

[29] See *City of Columbus* v. *Kennedy,* No. 26–1938 (4th Cir.).

February 1.[30] Additionally, because they resolved all DMIs related to the applicable enrollment information on February 6, which is on or before the 15th of the month following February 1, the consumer's coverage effective date would remain February 1. If, however, such DMIs were not resolved until February 20, then, under proposed § 155.410(f)(5)(i)(C), their coverage effective date would be March 1. If their DMIs were not resolved until March 5, then, under proposed § 155.410(f)(5)(i)(B), their coverage effective date would be March 1.

Consider an alternative example where a consumer pends their plan selection on December 20 and resolves all DMIs related to the applicable enrollment information on January 10. Because their plan selection was received by the Exchange between December 16 and January 15, the coverage effective date under § 155.410(f)(3)(i)(B) would be February 1. However, assume that in this case, the Exchange chooses to exercise the flexibility afforded under § 155.410(f)(3)(ii), and to permit an earlier, January 1 coverage effective date instead. Under proposed § 155.410(f)(5)(i)(A), because they resolved all DMIs related to the applicable enrollment information on January 10, which is on or before the 15th of the month following January 1, then the consumer's coverage effective date would remain January 1. If, however, such DMIs were not resolved until January 20, then, under proposed § 155.410(f)(5)(i)(C), their coverage effective date would be February 1. If their DMIs were not resolved until February 5, then, under proposed § 155.410(f)(5)(i)(B), their coverage effective date would be February 1.

At § 155.410(f)(5)(ii), we propose separate effective date rules for benefit years when the shortened OEP policies at § 155.410(e)(5) apply. Specifically, we propose that when all DMIs related to the applicable enrollment information are resolved (and an applicant's eligibility for APTC and CSRs, as applicable, is therefore verified) on or before January 15 of the benefit year, the applicant's QHP would be effective on January 1. If all DMIs related to the applicable enrollment information are resolved (and APTC and CSR eligibility, as applicable, is verified) after January 15, and between the 1st and 15th of the current month, the applicant's QHP would be effective the first of the month in which the resolution occurs. If all DMIs related to the applicable enrollment information are resolved after the 15th of the current month, the applicant's QHP would be effective the first of the following month.

To illustrate, consider a consumer for whom an Exchange resolves all of their DMIs related to the applicable enrollment information in January. If the resolutions occur between January 1 and January 15, the applicant's pended plan selection would be effective starting January 1. If the DMIs are resolved by an Exchange between January 16 and January 31, the applicant's pended plan selection would be effective on February 1. For a resolution in February, if the DMIs are resolved by an Exchange between February 1 and February 15, the applicant's pended plan selection would be effective on February 1. If the DMIs are resolved by an Exchange between February 16 and the end of the month, the applicant's pended plan selection would be effective on March 1.

We propose these rules for the following reasons. Under the proposed new DMI process described in section III.A.4.b. of this proposed rule, some applicants who newly apply or update their application during the annual OEP would receive DMIs that result in APTC and CSRs being withheld until the DMI is resolved by an Exchange. While some consumers may have their DMIs resolved by an Exchange during the pre-OE verification period described in section III.A.9.c. of this proposed rule, or during the annual OEP, there might be others who have DMIs resolved after the end of the annual OEP. This would mean that APTC and CSRs may not be available on the consumer's otherwise-permitted coverage effective date. As a result, and as described in section III.A.8.b. of this proposed rule, we propose that applicants would have the choice to pend their plan selection until all DMIs related to the applicable enrollment information are resolved by an Exchange if they prefer to only enroll once they are determined eligible for APTC and CSRs, as applicable. For such consumers, these proposed rules provide clarity regarding when their QHP coverage, APTC, and CSRs must become effective, once their DMIs are resolved.

The proposals in this section are intended to align with existing OEP effective date rules to the extent possible. We propose that coverage become effective in accordance with applicants' original coverage effective dates even if the applicant's DMIs are not resolved until 15 days later to prevent applicants' coverage from being delayed due to the time it takes for Exchanges to review and verify documentation. Given the large volume of applicants who apply for January 1 coverage during the annual OEP and the potential for Exchanges to have backlogs of documents to process, we want to ensure that if, for example, a consumer submits documents to verify their DMI related to the applicable enrollment information by the December 15 deadline for January 1 coverage, that their QHP coverage can begin on January 1, even if the Exchange cannot resolve the DMI until later in January—for example, because the Exchange needed to request different or additional documents from the consumer.

In instances where DMIs generated during OEP are not resolved by an Exchange until more than 15 days after their originally prescribed coverage effective date, this proposed policy attempts to balance the benefits of immediate coverage availability to a consumer with the potential harms imposed by requiring consumers to pay premiums for past periods of coverage, when the coverage could not have been meaningfully used by the consumer. We also carefully considered the potential impacts of this policy on adverse selection and market stability. If we permit coverage to extend too far retroactively, then consumers may have an incentive to wait and see whether they incur medical bills before submitting documents to resolve their DMIs, which would have a negative impact on the risk pool. By proposing to limit retroactive coverage to a maximum of 15 calendar days, we limit potential adverse selection as it would not be practical for consumers to wait until they incur medical bills to submit documents because consumers could not be assured that an Exchange would resolve their DMI within the same 15-day period. We seek comment regarding whether consumers should instead be permitted to enroll in a QHP and access APTC and CSRs on their originally prescribed coverage effective date regardless of when their DMIs are resolved, and if so, what strategies HHS should consider to mitigate adverse selection and promote market stability.

We also considered proposing that, in instances where an applicant pends a plan selection during the annual OEP and resolves their DMIs after their otherwise-prescribed effective date, plan selections would become effective on the day that all DMIs were resolved. Like our proposal, this approach would balance the benefits of immediate coverage availability with the harms imposed by requiring consumers to pay premiums for past periods of coverage

[30] Section 155.410(f)(3)(ii) permits State Exchanges to prescribe earlier effective dates than those allowed under § 155.410(f)(3)(i). For purposes of this example, we are assuming that the Exchange is not exercising this option.

and would limit risks of adverse selection. However, we are of the view that requiring mid-month effective dates would be administratively challenging for issuers and Exchanges, given that it would require them to prorate APTC and premiums.

We have determined that this proposal minimizes administrative burdens on both Exchanges and issuers associated with providing retroactive coverage. If coverage effective dates for a pended plan selection made during the OEP were always extended back to the consumer's original coverage effective date, then issuers might struggle to collect multiple months of past premiums from new enrollees and may need to expend excessive resources to appropriately administer cost-sharing reductions for months of previous medical bills. We are of the view that these proposals balance the interests of consumers to have coverage start in a timely manner and not owe premiums for months of coverage they did not meaningfully utilize, and the interests of Exchanges and issuers to maintain a stable risk pool and limit administrative burden.

Finally, we considered whether section 36B(c) of the Code would require coverage effective dates retroactive to the consumer's original coverage effective date regardless of when an Exchange resolves their DMI. Sections 36B(c)(2) and (5) of the Code relate to when a month can be a coverage month for purposes of the PTC. Section 36B(c)(2)(A)(i) of the Code requires an individual to be enrolled in a QHP as of the first of a month before the month can be a coverage month. Section 36B(c)(5)(A) of the Code provides, in relevant part, that a coverage month does not include any month that begins before the Exchange verifies an individual's eligibility to enroll in a QHP and for APTC. Section 36B(c)(5)(D) provides that an individual shall not be treated as ineligible to enroll in a QHP for a month solely because of failing to meet the requirements of section 36B(c)(5) for the month. We read these requirements to mean that months prior to verification must be treated as coverage months if they would otherwise be considered coverage months under the requirements prescribed in section 36B(c) of the Code, including the requirement that an individual be enrolled in a QHP as of the first of the month. Section 36B does not relate to coverage effective dates and cannot reasonably be read to require HHS to prescribe specific coverage effective dates.

In section III.A.4.b. of this proposed rule, we describe our proposal to implement section 36B(c)(5)(C) of the Code by requiring Exchanges to provide APTC and CSRs, as applicable, for all months prior to verification that the applicant was enrolled in a QHP, as long as the Exchange verified all eligibility criteria described in proposed § 155.315(f)(4)(ii) for such months. The authority to permit pended plan selections, and to prescribe reasonable effective dates for those pended plan selections, is drawn from the broad authority to offer enrollment periods and to operate Exchanges afforded to HHS in sections 1311(c)(6) and 1321(a) of the Affordable Care Act, and Exchange enrollment period and coverage effective date rules are not explicitly addressed in section 71303 of the WFTC legislation.

Under the authority afforded to HHS under sections 1311(c)(6) and 1321(a) of the Affordable Care Act, and for the reasons described in this section, we propose to add § 155.410(f)(5) to provide effective date rules for consumers who pend their plan selections during the annual OEP.

We seek comment on this proposal. We understand State Exchanges may find it challenging to implement these requirements for PY 2028. Therefore, we specifically seek comment from State Exchanges regarding any risks that State Exchanges will not be able to implement these proposed effective date rules by PY 2028, and whether there are alternative proposals that could achieve similar outcomes while alleviating operational burden.

c. Annual Pre-Open Enrollment Verification Period (§ 155.410(h))

(i) Overview

Section 71303(b) of the WFTC legislation adds section 36B(c)(3)(A)(ii) of the Code modifying the definition of ''qualified health plan'' to provide that, for purposes of PTC, the term will not include any plan enrolled through an Exchange that fails to provide a verification period that begins not later than August 1 prior to the beginning of the OEP each year. Absent the establishment of a verification period beginning not later than August 1 before the upcoming plan year, no PTC (and therefore no APTC or CSRs) would be allowed for the coverage of enrollees in plans offered by the Exchange for the plan year.

Because providing access to APTC and CSRs for enrollees is one of the fundamental purposes of an Exchange, we have determined that it is necessary that all Exchanges make a pre-OE verification process available. Thus, we are proposing to require that all Exchanges make this new pre-OE verification period available to applicants prior to the 2028 plan year on August 1, 2027. Also, it is important to note that neither the statute nor the regulatory changes we are proposing require consumers to participate in a pre-OE verification process, only that Exchanges make such a process available.

We propose to add new § 155.410(h), which would require Exchanges to make available a pre-OE verification period that begins on August 1 each year for purposes of verifying certain consumer eligibility criteria for the following plan year. The first pre-OE verification period would start on August 1, 2027, in advance of PY 2028. The pre-OE period would end the day before the OE period for the plan year begins. For example, the pre-OE period would end on October 31 for Exchanges where the OE period begins on November 1.

During the pre-OE verification period, we propose at § 155.410(h)(2) that Exchanges would be required to allow consumers to provide their information, including, at a minimum, their household income, citizenship or lawful presence, incarceration status, and place of residence. Added section 36(B)(c)(3)(A)(ii) of the Code requires Exchanges to provide a process through which applicants may ''verify'' eligibility information ''with the Exchange.'' In proposed § 155.410(h), we reserve the term ''verify'' for the role of the Exchange to avoid confusion about which subject of the statute (that is, ''the Exchange'' or ''the applicant'') we are referring to when using the term ''verify.'' In proposed § 155.410(h)(2), we use the term ''provide'' to represent ''the applicant's'' role in the process to ''verify with the Exchange.'' [31] During

[31] This is similar to the language convention described in section II.A. of this proposed rule regarding our intended use of the term ''verify'' throughout this proposed rule to clarify the multiple uses of the word ''verify'' in section 36(B)(c)(5)(A) of the Code. Specifically, the text of section 36(B)(c)(5)(A) of the Code refers to two subjects, both of which are tasked with ''verifying'' (that is, ''the Exchange verifies . . . eligibility'' and ''information . . . shall be . . . verified by the applicant''). We sought to use language that distinguishes the required functions under the statute of these two entities and elected to use ''confirm'' to refer to the applicant's role to ''verify'' instead of using ''verify'' when referring to both the Exchange's and applicant's distinct functions. Section 36(B)(c)(3)(A)(ii) of the Code similarly refers to the same two subjects, both of which are again tasked with a role in ''verification'' (that is, ''such Exchange provides a process for . . . verification'' and ''any applicant may . . . verify with the Exchange''). Therefore, here, we again seek to distinguish the required functions under the

Continued

the pre-OE period the Exchange would be required to enable consumers to provide and confirm their eligibility information which may come in the form of attestations or documents including an attestation that previously provided information remains the same.

For consumers who choose to provide eligibility information to an Exchange during the pre-OE verification period, we propose in § 155.410(h)(3) that Exchanges would be required to follow the verification procedures in §§ 155.315 and 155.320 for verifying such information. Specifically, for information that is required to be verified using trusted data sources and, for which verification is unsuccessful, Exchanges would be required to follow the proposed DMI procedures in § 155.315(f) (see section III.A.4.b. of this proposed rule for more information).

(ii) Timing (§ 155.410(h)(1))

While section 71303(b) of the WFTC legislation specifies that the pre-OE verification period must start no later than August 1 of the year preceding the coverage year, we propose in § 155.410(h)(1) that all Exchanges start their annual pre-OE verification period on August 1 each year and no earlier. We are of the view that a start date prior to August 1 may be too early for consumers to make informed projections of their household income and family size for the following year. While the IRS generally makes updated tax data available on a rolling basis as it processes returns, the IRS' updated failure to file and reconcile codes for the previous tax year are not available until the last week of July. Exchanges may need to again use these codes to determine APTC eligibility for PY 2028 and beyond, given the changes to coverage month made by section 36B(c)(6) of the Code. Furthermore, limiting eligibility verification for the future year to August 1 or later would facilitate the use of more recent data for the verification process. Finally, we have determined that an August 1 start date for the pre-OE verification period would best accommodate the annual implementation timelines of plan-year specific policy changes required by legislation and regulations. For example, each year Exchanges make changes to eligibility logic in their systems for the following coverage year based on the annual publication of the final HHS Notice of Benefit and Payment Parameters (typically April of each year) and the annual publication of the IRS revenue procedure providing the indexing adjustment for the applicable percentage table and the required contribution percentage. (For PY 2026, the revenue procedure was released by the IRS on July 18, 2025). We request comment on whether Exchanges should be allowed to start pre-OE verification periods earlier, especially if State Exchanges have evidence that an earlier start date would work better for their markets.

Section 71303(b) of the WFTC legislation does not specify an end date for the pre-OE verification period. Thus, we propose in § 155.410(h)(1) that the pre-OE verification period ends as soon as an Exchange's OEP starts, to account for the fact that State Exchanges have varying OEP start dates that begin before November 1.

We seek comment on this proposal.

(iii) Collection of Information (§ 155.410(h)(2))

Section 71303(b) of the WFTC legislation specifies that during the pre-OE period, applicants must have the opportunity to verify household income and eligibility for enrollment in a QHP. We therefore propose that the minimum information that Exchanges would be required to allow consumers to provide or confirm prior to the OE period is limited to household income, as that is mentioned specifically in section 71303(b) of the WFTC legislation, and citizenship or lawful presence status, incarceration status, and residency, as those are the criteria pertinent to eligibility for enrollment in a QHP. Minimizing the information that Exchanges would accept during the pre-OE period is intended to give Exchanges flexibility to design this period in the manner most appropriate for their consumers and their operations. However, the proposed rule at § 155.410 does not reduce the amount of information that the Exchange would collect to adjudicate an applicant's eligibility for insurance affordability programs in accordance with § 155.305. Therefore, while we do not propose to require that Exchanges collect or verify information beyond what is specified in section 71303(b) of the WFTC legislation during the pre-OE period, an Exchange may find it more efficient to include additional information collection in their pre-OE process. For example, Exchanges may find value in collecting information during the pre-OE period about an applicant's expected tax filing status, eligibility for other MEC, and their compliance with tax reconciliation requirements to determine APTC and CSR eligibility. The Exchange may seek to collect AI/AN status for purposes of CSR eligibility.

For first-time applicants, the Exchange would also need to collect identifying information from the applicant—such as name, birthdate, and SSN (if the applicant has one)—for purposes of verifying eligibility using electronic data sources, as described in §§ 155.315 and 155.320. We have determined that because section 71303(b) of the WFTC legislation specifies that an Exchange provides a pre-enrollment verification process during which ''any applicant'' may verify their eligibility, an Exchange may not restrict the pre-OE verification period only to current enrollees.

While we do not construe section 71303(b) of the WFTC legislation to require Exchanges to permit consumers to provide all information that could impact their eligibility for insurance affordability programs, we expect that collecting information about all relevant eligibility criteria during pre-OE would reduce consumer burden and unnecessary operational steps for Exchanges. Note that if an Exchange chooses not to collect and verify information on consumer eligibility or enrollment in MEC during the pre-OE verification period, then the Exchange would not have sufficient information to make APTC or CSR eligibility determinations during the pre-OE period for any applicant or re-enrollee. As described in section III.A.4.b. of this proposed rule, starting in 2028, Exchanges would be required to verify eligibility for or enrollment in MEC prior to providing APTC and CSRs. As described in section III.A.7. of this proposed rule, a current enrollee would be required to provide or confirm their eligibility for, or enrollment in, other MEC annually as part of the annual redetermination process to be determined eligible for APTC and CSRs for a subsequent plan year. Therefore, for applicants or enrollees seeking an eligibility determination for insurance affordability programs during the pre-OE verification period, the Exchange would need to request additional information regarding eligibility for or enrollment in other MEC. This additional information would include not only an attestation and verification of whether the applicant is currently enrolled in other coverage, but also the collection of information related to potential Medicaid and CHIP eligibility (such as pregnancy and former foster care status) required to determine whether the consumer should be assessed or determined eligible for Medicaid or CHIP rather than for APTC

statute of these two entities and elected to use ''provide'' to refer to the applicant's role to ''verify with the Exchange'' since the primary role of applicants in verifying eligibility with the Exchange is to ''provide'' the Exchange with information.

and CSRs. As noted in § 155.410(h)(3)(ii), we propose that when making an eligibility determination during the pre-OE period, an Exchange would be required to comply with the standards for eligibility determinations established at § 155.305, including paragraphs (c), (d), and (e), which require the Exchange to determine eligibility for Medicaid, CHIP and BHP.

For re-enrollees, Exchanges may be able to perform a full information collection in a streamlined format, such as by permitting a re-enrollee to attest that they have had no changes since the previous year. In this proposed rule, we propose to defer to Exchanges on the extent and method of information collection beyond the minimum criteria designated in the statute. We provide additional information on implementation strategies in subsection (vi) of this section.

We seek comment on whether the information collection requirements should be different for returning enrollees as compared to consumers new to an Exchange.

(iv) Verification and Determination (§ 155.410(h)(3))

In § 155.410(h)(3), we propose that Exchanges would be required to attempt to verify information collected during the pre-OE verification period using the verification procedures in §§ 155.315 and 155.320. If verification using a trusted data source is required and is unsuccessful, Exchanges would be required to follow the proposed DMI procedures in § 155.315(f), which, in most cases, require the Exchange to resolve the DMI prior to the consumer receiving APTC or CSRs. If a consumer generates a DMI during the pre-OE verification period, we note that an Exchange may extend the 90/95-day inconsistency period under existing authority described in § 155.315(f)(3) but recommend that Exchanges not provide extensions that would enable the inconsistency period to go beyond December 15 to align with the date that consumers using Exchanges on the Federal Platform must generally select a plan to begin coverage on January 1. However, we are still assessing the best date for these extensions and request comment, especially from State Exchanges, on this recommendation. Consumers who utilize the pre-OE verification period to verify their information prior to OE are likely demonstrating a good faith effort to obtain their documentation and verify their information, as they are doing so ahead of the beginning of the plan year, when they could instead wait until the annual OEP to provide information for the subsequent year.

Operationally, such extensions may facilitate a smoother enrollment process, specifically in cases where the DMI generated during the pre-OE period has a 90/95-day inconsistency period that ends either before or during the Open Enrollment period and before the deadline for a January 1st effective date in the future coverage year. If an Exchange successfully verifies information for the criteria described in proposed § 155.335(a)(1) through (4), then consumers may be eligible for APTC and CSRs, as applicable, upon their coverage effective date.

However, Exchanges maintain the authority to decide whether a consumer is demonstrating a good faith effort to obtain documentation. If an Exchange finds evidence that a consumer, or a non-Exchange entity or authorized representative assisting the consumer, is submitting suspicious or false documentation or attempting to manipulate the application to circumvent DMI document submission requirements, the Exchange may find that the consumer (or person or entity assisting the consumer) is not demonstrating a good faith effort to obtain documentation and therefore may rescind or refuse to provide an extension to the inconsistency period under this authority.

Allowing Exchanges to extend the inconsistency period for consumers who generate DMIs during the pre-OE verification period is necessary to reduce administrative burden on applicants and operational complexity for Exchanges because individuals who generate DMIs during the pre-OE verification period may have 90/95-day inconsistency periods that end before December 15, which is the date that consumers using Exchanges on the Federal Platform must generally select a plan by to receive coverage starting January 1. If an individual does not resolve their DMI by the end of the 90/95-day period, Exchanges would be required by § 155.315(f)(5) to redetermine eligibility based on trusted data sources, often resulting in the individual being redetermined ineligible for a QHP, and APTC and CSRs, as applicable. As a result, consumers would likely re-submit an application during the OEP, which would restart the entire DMI process, even though their attestation likely remained unchanged. This process would impose administrative burden on applicants, who would have to submit a new application to start another 90/95 DMI period, and operational complexity for Exchanges, who would have to process two DMIs based on the same attestation instead of one.

Furthermore, this optional extension for DMIs generated during the pre-OE verification period is distinct from the former 60-day extension for household annual income DMIs outlined in the 2025 Marketplace Integrity and Affordability final rule because the optional extension is for the specific population of consumers who generates DMIs during the pre-OE verification period rather than the entire population who generate an annual income DMI. Unlike the automatic 60-day extension for annual household income DMIs, the optional extension would not be granted for DMIs generated during the OEP or any SEP.

We read section 71303 of the WFTC legislation to require an Exchange to make an information collection and verification process available during the pre-OE verification period, but not to require an Exchange to make an eligibility determination. If an Exchange collects only the minimum information outlined in proposed § 155.410(h)(2)(i) during the pre-OE verification period, then the Exchange would have sufficient information to determine eligibility for enrollment in a QHP but would not have sufficient information to make an eligibility determination for insurance affordability programs. We expect that the most useful way for Exchanges to collect information during the pre-OE verification period would be to use the single streamlined application as described in proposed § 155.410(h)(2)(ii). We also expect that, for many Exchanges, the operational burden of creating a new pre-OE verification period would be reduced if the Exchange makes use of its existing application infrastructure rather than designing something new. In § 155.410(h)(3)(ii), we propose to require Exchanges to make an eligibility determination in accordance with §§ 155.305 and 155.310 during the pre-OE verification period if they collect and verify sufficient information to do so.

Thus, the proposed rule would require that, when making eligibility determinations during the pre-OE verification period, Exchanges adhere to the timeliness and notice standards at § 155.310(e) and (g) as well as the requirements in paragraph (d) of that section related to eligibility determinations for insurance affordability programs. This would include transmitting account transfers to the State Medicaid or CHIP agency in the case of an assessment or determination that an applicant is eligible for Medicaid or CHIP. Still, we

also seek to maintain flexibility for Exchanges that have a different view of how to make the pre-OE verification period most useful and efficient. We request comment on this proposed requirement, especially from State Exchanges.

We note that for many Exchanges, including those operating on the Federal platform, QHP data for the upcoming plan year would not be available during much or all of the pre-OE verification period. If future year plan data is unavailable when an Exchange verifies a consumer's information, an Exchange would not have the Second Lowest Cost Silver Plan (SLCSP) information required to determine any applicable amount of APTC. Therefore, when a consumer provides eligibility information to an Exchange during the pre-OE verification period, an Exchange would need to process and verify that information but may not have sufficient information available to determine the amount of APTC for which the consumer may be eligible. We acknowledge that there are drawbacks to communicating an APTC eligibility result to an applicant prior to calculating an APTC amount. For example, an individual may be determined eligible for APTC during the pre-OE verification period but, once SLCSP information is available, the amount of APTC for which they qualify is $0. In contrast, before plan data is available, an Exchange would be able to make a determination regarding an applicant's eligibility for CSRs and the level of CSRs for which they qualify as described in § 155.305(g). Unlike APTC, the available amount of CSRs is based on the household's projected annual income without regard to the cost of the SLCSP.

If an Exchange notifies a consumer of their eligibility determination without providing an APTC amount because plan data is not yet available, then the Exchange would need to communicate the APTC amount to the consumer once plan data becomes available. We are of the view that Exchanges must determine the best method for providing that amount in accordance with their operations and preferred communication channels, so long as consumers are entitled to appeal rights regarding the determination of their APTC amount once it is available.

We seek comment on this proposal.

(v) Plan Selection

If an Exchange does have certified plan data available during the pre-OE verification period, that Exchange could permit consumers to view plan information and indicate their preferred plan ahead of the OEP. The Exchange could store the consumer's plan selection and transmit it to the issuer once the OEP begins or confirm the consumer's preferred plan during the OEP prior to transmitting it to the issuer. This could reduce the burden on consumers, and on individuals assisting consumers with the application and enrollment process, because consumers who use the pre-OE verification period would not have to return to an Exchange website or call center during the OEP to select a plan and enroll for the upcoming plan year. A consumer would still be allowed to update their application and change plans during the OEP.

Under this proposal, if an Exchange allows an applicant to select a plan during the pre-OE verification period, that selection could be a full-price plan without APTC or CSRs (either because applicable enrollment information was not verified or because the applicant was not eligible for APTC or CSRs), a plan with verified APTC or CSRs applied, or a plan with APTC or CSRs for which enrollment would be pended until all DMIs described in § 155.315(f)(4)(ii) are resolved. We propose adding § 155.400(i) to describe the option for consumers to ''pend'' a plan selection such that it would only be transmitted to the issuer if and when applicable DMIs are resolved, as described in section III.A.8.b. of this proposed rule. We also note that we outline the proposed Exchanges' re-enrollment requirements for existing enrollees who do not select a plan for the upcoming year in proposed § 155.335.

We acknowledge the logistical and operational barriers to having certified plan data available prior to the OEP, including issuer rate-setting timelines, State Department of Insurance review timelines, and certification timelines. As noted previously, QHP data for the upcoming plan year would likely not be available at the start of the pre-OE verification period for Exchanges operating on the Federal platform.

We seek comment on this proposal.

(vi) Implementation Strategies

For Exchanges on the Federal platform, we intend to collect applicant and re-enrollee information both through consumer pathways on *HealthCare.gov* and the Marketplace Call Center and through direct enrollment entity websites (also known as Enhanced Direct Enrollment or EDE entities [32]) which are CMS-approved third party platforms that assist consumers with enrollment in QHPs offered through the Exchange in a manner considered to be through the Exchange as authorized by existing regulations at §§ 155.220(c)(3), 155.221, or 156.1230. State Exchanges may also choose to make their pre-OE information collection available through direct enrollment entities as outlined in § 155.221(j).

There are a range of acceptable strategies that Exchanges could use to leverage the pre-OE period to minimize administrative burden, and thereby minimize adverse selection. Under the proposed rule, Exchanges would have flexibility in how they implement the pre-OE verification process and the extent to which they conduct outreach to encourage consumers to participate. We recommend that Exchanges consider the implementation and ongoing costs of the available strategies, and weigh those against the potential benefits for consumers, and overall Exchange enrollment and market stability. As was true of previous implementations of new policies within the Exchanges, we expect this will be an iterative process with continuous adjustments and improvements after the initial implementation of the pre-OE verification period.

The example implementation approaches below illustrate some of the acceptable options for Exchanges if this proposal is finalized. Note that we do not intend the listed approaches to be requirements or limitations. We request comment on the following potential approaches:

- To meet the pre-OE requirements, Exchanges may make available the entire eligibility application specified at § 155.405. Exchanges could provide pre-populated information in the application based on previous information or based on information from trusted data sources, where allowable under privacy and data use agreements.
- Alternatively, Exchanges could ask consumers to provide information only regarding the required criteria outlined in proposed § 155.410(h)(2)(i) and could choose to pre-populate that information where possible. Exchanges could permit current enrollees to provide their information either by confirming that the information they previously provided to an Exchange remains accurate for the upcoming plan year, or by updating the information they

[32] For more information on EDE, including a list of approved EDE entities, operational readiness, and oversight guidelines, see *www.cms.gov/marketplace-private-insurance/agents-brokers/direct-enrollment-partners.*

previously provided to an Exchange for purposes of the upcoming plan year.

- Exchanges could send a customized notice to all current enrollees early in the pre-OE period that includes the most recent eligibility information for each consumer and invites consumers to log into their secure online account or contact the call center or their agent or broker to confirm or update such information.
- The Exchange could conduct generalized outreach about the pre-OE period that informs consumers about the requirements for verification and the option to get started early to prepare for the following year by visiting the Exchange website or a certified enrollment partner website. For consumers who take up the option, the process for reviewing and confirming the accuracy of eligibility information could emphasize review of key information that tends to change year to year, while also providing the opportunity for the consumer to review and adjust any of their previous attestations.

We acknowledge that there is presently no pre-OE verification process, and all Exchanges would need to develop system functionality to meet the proposed requirements for collecting and verifying information for the future plan year. We seek comment on this proposal. Specifically, we seek comment on ideas to mitigate the burden of implementing a pre-OE verification period. We understand State Exchanges may find it particularly challenging to implement these requirements by August 1, 2027. Therefore, we specifically seek comment from State Exchanges regarding any risks that State Exchanges may be unable to implement these proposed requirements by August 1, 2027, and whether there are alternative proposals that could achieve similar outcomes while alleviating operational burden.

10. Special Enrollment Periods (§ 155.420)

We propose to add § 155.420(b)(6) to provide the effective dates for coverage if a consumer qualifies for an SEP and elects to pend their enrollment until all DMIs related to the applicable enrollment information are resolved by an Exchange. Currently, § 155.420(b) describes the coverage effective dates that are applicable for consumers enrolling under an SEP based on the SEP type and the trigger date for the SEP. We propose that if an Exchange resolves a consumer's DMIs related to the applicable enrollment information prior to the effective date specified in § 155.420(b)(1) through (b)(3), then the consumer's coverage effective date would be the date specified in § 155.420(b)(1) through (b)(3). However, if the DMIs related to the applicable enrollment information are resolved by an Exchange after the applicable coverage effective date described in § 155.420(b)(1) through (3), then the new proposed rule at in § 155.420(b)(6) would apply. Under proposed § 155.420(b)(6), if such DMIs are resolved by an Exchange on or before the 15th of a month, then we propose an Exchange would make coverage effective the first of the same month. If such DMIs are resolved after the 15th of a month, then we propose that an Exchange would make coverage effective the first of the following month.

For example, consider a consumer who becomes newly eligible to enroll in a QHP on August 1, on August 30 submits an application to enroll through an SEP, and generates a DMI related to the applicable enrollment information. The consumer submits documents to verify their DMI on September 1, and the Exchange resolves their DMI on September 10. If this consumer pended their plan in accordance with proposed § 155.400(i), then, because the DMI was resolved before the 15th of the month, the effective date of the plan selection would be September 1. If instead an Exchange resolved the DMI on September 16, then the effective date of the plan selection would be October 1.

As described in section III.A.9.b. of this proposed rule, this effective date proposal would balance the benefits of continuous coverage promoted through the earliest possible effective dates with the need to minimize administration burdens associated with retroactive coverage and avoid the risks of adverse selection. If coverage effective dates for pended plan selections were always extended back to the original coverage effective date under § 155.420(b)(1) through (b)(3), then issuers may struggle to collect multiple months of past premiums from new enrollees and may need to expend excessive resources to appropriately administer CSRs to months of previous medical bills. In addition, the opportunity for an extended retroactive coverage period could promote adverse selection by incentivizing consumers to delay document submissions to an Exchange until they know their medical needs during the inconsistency period. We seek comment regarding whether consumers should instead be permitted to enroll in a QHP and access APTC and CSRs on their originally prescribed coverage effective date regardless of when their DMIs are resolved, and if so, what strategies HHS should consider to mitigate adverse selection and promote market stability.

As discussed in section III.A.9.b. of this proposed rule, we are not proposing that pended plan selections become effective on the day that all DMIs are resolved by an Exchange due to the administrative challenges associated with requiring mid-month effective dates. As further discussed in section III.A.9.b. of this proposed rule, we do not read section 36B(c)(5)(C) of the Code as prescribing any requirements related to coverage effective dates.

We also propose conforming changes to § 155.420(b)(1), (b)(2)(iii) through (vi) to cross-reference the new proposed effective date rules in § 155.420(b)(6).

We request comment on this proposal. We understand State Exchanges may find it challenging to implement these requirements for PY 2028. Therefore, we specifically seek comment from State Exchanges regarding any risks that State Exchanges will not be able to implement these proposed effective date rules by PY 2028, and whether there are alternative proposals that could achieve similar outcomes while alleviating operational burden.

In addition to requesting comment on this proposal, we also request comment on whether we should consider expanding the timeframe of the SEP at § 155.420(d)(11) in the final rule. Specifically, we are concerned with the application submission component of the SEP at § 155.420(d)(11), which is commonly referred to as the Medicaid/CHIP denial SEP. For this SEP, if a consumer applies for Medicaid or CHIP during the Open Enrollment period either indirectly through their Marketplace application or directly through their State's Medicaid or CHIP agency and is subsequently determined ineligible for Medicaid and CHIP that is MEC, then they are granted an SEP to enroll in Marketplace coverage. We request comment on whether we should include a minor revision to the Medicaid/CHIP denial SEP at § 155.420(d)(11) such that individuals who apply for Medicaid or CHIP either during the annual OEP or during the pre-OE verification period may be eligible for an SEP, if other otherwise eligible. This would ensure that consumers applying for coverage during the pre-OE verification period and during the annual OEP are treated similarly. Depending on how long a State Medicaid agency takes to process the consumer's Medicaid application and make a determination, as well as the length of the OEP in the future, a consumer may not receive a Medicaid

eligibility determination prior to the end of the OEP if they apply during the pre-OE period. Granting these consumers an SEP that begins based on the date of their Medicaid denial date would enable them to gain access to coverage that they might have otherwise had had their initial applications been approved. We seek comment on whether this addition of the pre-OE application period to the Medicaid denial SEP is necessary.

B. Severability

We generally intend this rule's provisions, if finalized, to be severable from each other. In this rule, we propose distinct policies regarding requirements for consumers to provide or confirm certain eligibility information annually, requirements that Exchanges provide a pre-OE verification period, requirements that Exchanges generally not provide APTC and CSRs during certain inconsistency periods, requirements that Exchanges provide APTC and CSRs during certain other inconsistency periods, and requirements that Exchanges permit applicants to pend plan selections. In addition to these major policies, we include proposals regarding effective dates and binder payments.

We are of the view that the policies proposed in this rule are well-supported in law and practice and must be upheld in any legal challenge. We also are of the view that this exercise of our statutory authority reflects sound policy. However, if any portion of a final rule is declared invalid, we have determined that these provisions are generally capable of functioning sensibly on an independent basis. It is our intent that if any provision of these proposed rules, if finalized, is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, the other provisions in the rule may be construed so as to continue to give maximum effect as permitted by law, unless the holding may be one of utter invalidity or unenforceability. In the event a provision as finalized is found to be utterly invalid or unenforceable, we intend that provision to be severable. We solicit comment on the severability of these provisions.

C. Applicability Dates

In this proposed rule, most policies, if finalized, would become applicable for plan years beginning on or after January 1, 2028.

We provide further specificity where applicability dates of certain provisions may vary. We request comment on the proposed applicability dates summarized below, in Table 1.

TABLE 1—PROPOSED APPLICABILITY DATES

Topic	Section No.	Proposed applicability date
Election to Operate an Exchange after 2014	§ 155.106	PY 2029.
Verification of Residency	§ 155.315(d)	N/A.
Verification of Inconsistencies	§ 155.300(c)(2), § 155.310(f)(1), and § 155.315(f)(4)(ii)–(v).	PY 2028.
Family Size Special Enrollment Period Waiver	§ 155.315(f)(4)(ii)	PY 2028.
Eligibility Redeterminations During the Plan Year	§ 155.315(f)(4)(iii)	PY 2028.
Verification Process Related to Eligibility for Insurance Affordability Programs	§ 155.320(c)	N/A.
Effective Dates for Eligibility Changes During a Plan Year	§ 155.330(f)	PY 2028.
Annual Eligibility Redetermination	§ 155.310(f)(2) and § 155.335	PY 2028.
Binder Payment for New Enrollments	§ 155.400(e)	PY 2028.
Plan Selection in the Case of Certain DMIs	§ 155.400(i)	PY 2028.
Notice of Annual Open Enrollment Period	§ 155.410(d)	PY 2028.
Effective Dates for QHP Selections	§ 155.410(f)(5)	PY 2028.
Annual Pre-Open Enrollment Verification	§ 155.410(h)	August 1, 2027.
Special Enrollment Periods	§ 155.420(b)	PY 2028.

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520, we are required to provide notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection must be approved by OMB, 44 U.S.C. 3506(c)(2)(A) requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency, including whether the information will have practical utility.
- The accuracy of our estimate of the information collection burden, including the validity of the methodology and assumptions used.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements (ICRs).

A. Wage Estimates

To derive wage estimates, we generally use data from the Bureau of Labor Statistics to derive labor costs (including a 100 percent increase for the cost of fringe benefits and overhead) for estimating the burden associated with the ICRs.[33] Table 2 presents the median hourly wage, the cost of fringe benefits and overhead, and the adjusted hourly wage.

As indicated, employee hourly wage estimates have been adjusted by a factor of 100 percent. This is necessarily a rough adjustment, both because fringe benefits and overhead costs vary significantly across employers, and because methods of estimating these costs vary widely across studies. Nonetheless, there is no practical alternative, and we have determined that doubling the hourly wage to estimate total cost is a reasonably accurate estimation method.

[33] See U.S. Bureau of Labor Statistics (n.d.). Occupational Employment and Wage Statistics, May 2025 Occupation Profiles. Dep't. of Labor. *https://www.bls.gov/oes/current/oes_stru.htm.*

TABLE 2—ADJUSTED HOURLY WAGES USED IN BURDEN ESTIMATES

Occupation title	Occupational code	Median hourly wage ($/hr.)	Fringe benefits and overhead ($/hr.)	Adjusted hourly wage ($/hr.)
Eligibility Interviewers, Government Programs	43–4061	$26.06	$26.06	$52.12
Database and Network Administrators and Architects	15–1240	53.26	53.26	106.52
Computer Programmers	15–1251	48.26	48.26	96.52
Technical Writers	27–3042	43.46	43.46	86.92
Management Analysts	13–1111	48.97	48.97	97.94

We propose to adopt an hourly value of time based on after-tax wages to quantify the opportunity cost of changes in time use for unpaid activities. This approach matches the default assumptions for valuing changes in time use for individuals undertaking administrative and other tasks on their own time, which are outlined in an Assistant Secretary for Planning and Evaluation (ASPE) report on ''Valuing Time in U.S. Department of Health and Human Services Regulatory Impact Analyses: Conceptual Framework and Best Practices.'' [34] We start with a measurement of the usual weekly earnings of wage and salary workers of $1,233.[35] We divide this weekly rate by 40 hours to calculate an hourly pre-tax wage rate of approximately $30.83. We adjust this hourly rate downwards by an estimate of the effective tax rate for median income households of about 17 percent, resulting in a post-tax hourly wage rate of approximately $25.58. We adopt this as our estimate of the hourly value of time for changes in time use for unpaid activities.

We seek comment on these proposed burden estimates and assumptions.

B. ICRs Regarding DMIs (§§ 155.315, 155.320, 155.330)

The following changes will be submitted for review under OMB Control Number 0938–1191.

We are proposing to modify § 155.315(f)(4)(ii) to state that Exchanges generally cannot provide APTC and CSRs to consumers who receive DMIs related to the applicable enrollment information. We also propose to exempt those who qualify for an SEP due to a change in family size from these new requirements to verify certain factors of eligibility before providing APTC within proposed § 155.315(f)(4)(ii) and proposed § 155.315(f)(4)(iii)(A). We are also proposing to add § 155.315(f)(4)(iii) to describe that Exchanges would be required to continue to provide APTC and CSRs (as applicable) during inconsistency periods created due to reporting a change to eligibility criteria during the plan year after an Exchange has completed verification of those same criteria.

We also propose to add § 155.315(f)(4)(iv), which provides that Exchanges would be required to determine eligibility for APTC and CSRs on behalf of an applicant per new effective dates following successful verification of information as described in proposed new § 155.315(f)(4)(ii). We additionally propose to add § 155.315(f)(4)(v), clarifying that applicants with DMIs other than those related to the applicable enrollment information would be able to continue receiving APTC and CSRs if otherwise eligible during the inconsistency period.

We also propose to amend § 155.330(f)(1) such that if an Exchange redetermines an enrollee's eligibility to enroll in APTC or CSRs because the enrollee has provided updated information to the Exchange, then the redetermination of eligibility would become effective on the first of the month following an Exchange's eligibility redetermination, with an exception at § 155.330(f)(1)(i) for enrollees who qualify for certain SEPs.

We propose to amend § 155.330(f)(2) to state that if a consumer is already enrolled in a QHP when their DMI is resolved, an Exchange would be required to implement their APTC and CSR eligibility determination effective the first day of the first month in which an Exchange determined all relevant eligibility criteria to be verified, as long as the consumer was enrolled in a QHP as of the first of that month, and the consumer's DMI was generated prior to the first of that month.

Finally, we propose to amend § 155.330(f)(3) to provide effective date rules for an Exchange's redetermination of eligibility following the expiration of a DMI or the end of a periodic data matching period. This proposal maintains current effective date rules for such redeterminations, with the exception that, if the redetermination results in the consumer qualifying for the same or an increased amount or level of APTC or CSRs, then Exchanges are no longer permitted to delay the effective dates for such redeterminations beyond the first of the next month.

We clarify that the impacts of the proposed effective dates for consumers who choose to pend their plan selection during their inconsistency period as described at § 155.315(f)(4)(iv)(B), are addressed in sections IV.D. of this proposed rule. We further clarify that the proposal at § 155.330(f)(4) maintains current policy and therefore, is not expected to result in new information collection or regulatory impacts.

In this section, we have included the proposed policies at § 155.315(f)(4)(ii) regarding Exchange provision of APTC and CSRs during inconsistency periods and applicants who qualify for an SEP due to a change in family size; § 155.315(f)(4)(iii) regarding DMIs during the coverage year; and § 155.330(f)(1), (2), and (3) regarding effective dates. We are considering these policies together in our analysis in both this section and in the Regulatory Impact Analysis in section VI.C.1. of this proposed rule due to their related and overlapping impacts. It would be difficult to calculate the costs and burdens of these policies independently, as we anticipate Exchanges will make similar updates and changes across the same areas to implement these proposals. Attempting to calculate independently would likely result in overestimating costs, since many of the technical updates and burdens would be counted multiple times in cases where updates and changes would occur simultaneously for different policies. Given this, we have determined that the more accurate estimation is by estimating these policies together.

[34] Office of the Assistant Secretary for Planning and Evaluation. (2017, Sept. 17). Valuing Time in U.S. Department of Health and Human Services Regulatory Impact Analyses: Conceptual Framework and Best Practices. Dep't of HHS. *https://aspe.hhs.gov/reports/valuing-time-us-department-health-human-services-regulatory-impact-analyses-conceptual-framework.*

[35] U.S. Bureau of Labor Statistics. Employed full time: Median usual weekly nominal earnings (second quartile): Wage and salary workers: 16 years and over [LES1252881500Q], retrieved from FRED, Federal Reserve Bank of St. Louis. *https://fred.stlouisfed.org/series/LES1252881500Q.* Annual Estimate, 2026.

We anticipate one-time financial costs to State Exchanges and Exchanges on the Federal platform associated with the implementation of these changes, including Exchanges' updates to their eligibility and enrollment systems for blocking APTC during an inconsistency period; creating exceptions to that process for both a Family Size SEP waiver and a new DMI set during an eligibility redetermination during the plan year, and the proposed changes to APTC and CSR effective dates for enrollee-reported changes, the resolution of DMIs, and the expiration of DMIs.

We estimate that it would take Exchanges on the Federal platform and each State Exchange 30,000 hours across 2026 and 2027 to make these updates. Using the median wage rates estimated in IV.A., we estimate that this total for Exchanges on the Federal platform and each State Exchange would include 7,500 hours from a database and network administrator and architect at $106.52 per hour and 22,500 hours from a computer programmer at $96.52 per hour. Given this, we estimate that Exchanges on the Federal platform will incur a one-time burden across 2026 and 2027 of $2,970,600 (7,500 × $106.52 + 22,500 × $96.52) to make these eligibility system updates, with all 22 State Exchanges incurring a total of 660,000 hours at a cost of $65,353,200 ([7,500 × $106.52 + 22,500 × $96.52] × 22 State Exchanges) across 2026 and 2027. In total, the burden associated with all system updates would be 690,000 hours at a cost of $68,323,800 across Exchanges on the Federal platform and State Exchanges.

We do not anticipate that modifying the DMI process for these types of DMIs to block APTC and CSRs during the inconsistency period—including proposed changes related to exceptions for a family size SEP or an eligibility redetermination during the plan year, and effective date changes related to enrollee-reported changes and DMI resolution and expiration—would result in additional burden by consumers to complete application questions or submit supporting documentation. Currently, consumers are already required to answer application questions and submit documentation for the existing DMI process. As mentioned in this proposed rule, Exchanges can generally continue their existing processes around setting and processing DMIs, so we do not expect a notable difference in consumer burden. Additionally, the proposed changes to effective dates of coverage and APTC would not result in additional application questions or submitted documents.

We seek comment on these proposed burden estimates and assumptions.

C. ICRs Regarding Annual Eligibility Redetermination (§ 155.335)

The following changes would be submitted under OMB Control Number 0938–1191 (CMS–10440).

We propose to modify § 155.335(a) by specifying that for an Exchange to redetermine an enrollee eligible for APTC and CSRs for the subsequent plan year, the enrollee or the enrollee's application filer would be required to provide or confirm household income and family size; U.S. citizenship or status as a lawfully present eligible non-citizen; eligibility for or enrollment in other MEC; and place of residence for the subsequent plan year on or after August 1 and no later than December 31 of the year preceding the applicable plan year, and the Exchange must verify the specified eligibility information using the processes in §§ 155.315 and 155.320, including the relevant provisions in those sections regarding DMIs.

We also propose to amend § 155.335(b) to state the annual eligibility redetermination would be effective on the first day of the applicable plan year, and the Exchange would be required to adhere to the existing notification standard for eligibility determinations under § 155.310(g). We propose an exception in instances where an enrollee has an unresolved DMI under § 155.315(f)(4)(ii) as of December 31 of the year preceding the plan year and for whom APTC and CSRs are not provided during the inconsistency period. In these cases, we propose that the redetermination of APTC and CSRs under this part take effect in accordance with §§ 155.315(f)(4)(iv)(A) or 155.330(f)(3), as applicable. We propose to remove § 155.335(c) through (i); redesignate § 155.335(j) as new § 155.335(c); and remove § 155.335(k) through (n).

We estimate that implementing this proposed policy would require one-time costs to the Federal Government and each State Exchange. Based on preliminary analysis, we estimate that it would take the Federal Government and each State Exchange 22,000 hours in 2026 and 2027 to develop and implement system changes to their annual eligibility redetermination and re-enrollment logic. These changes would enable Exchanges to correctly evaluate whether enrollees have provided or confirmed the eligibility information described previously and to discontinue APTC and CSRs, as applicable. Of those 22,000 hours, we estimate it would take a database and network administrator and architect 5,500 hours at $106.52 per hour and a computer programmer 16,500 hours at $96.52 per hour. In aggregate, for State Exchanges, we estimate a burden across 2026 and 2027 of 484,000 hours (22 State Exchanges × 22,000 hours) at a cost of $47,925,680 (22 States × [(5,500 hours × $106.52 per hour) + (16,500 hours × $96.52 per hour)]) for completing the necessary updates to State Exchange systems. For the Federal Government, we estimate a burden across 2026 and 2027 of 22,000 hours at a cost of $2,178,440 ((5,500 hours × $106.52 per hour) + (16,500 hours × $96.52 per hour)). In total, the burden associated with all system updates would be 506,000 hours at a cost of $50,104,120.

As discussed in III.A.7. of this proposed rule, we propose to require that current enrollees in a QHP provide or confirm the specified eligibility information to an Exchange on an annual basis as a condition of an Exchange redetermining and continuing their APTC and CSRs, as applicable, for the subsequent plan year. As a result, we estimate that an additional 3,969,403 consumers [36] who previously would not have been required to contact the Exchange to be re-enrolled in QHP coverage with APTC and CSRs through Exchanges on the Federal platform for the subsequent plan year, after being determined eligible under an Exchange's procedures at § 155.335(a)(2)(ii), would instead have to actively return to the Exchanges on the Federal platform to provide or confirm the specified eligibility information under the proposed policy. Similarly, we estimate that for State Exchanges, an additional 1,703,494 consumers [37] who previously would not have been required to contact the Exchange to be re-enrolled in QHP coverage with APTC and CSRs for the subsequent plan year, after being determined eligible under an Exchange's procedures at § 155.335(a)(2)(iii), would instead have to actively return to State Exchanges, under the proposed policy, to provide or confirm the specified eligibility information. We arrived at these estimates by starting with the projected enrollment in section VI.C.6. of this proposed rule and applying a percentage of 46 percent to account for consumers who we estimate may not

[36] This estimate is based on internal FFE data.

[37] This estimate is based on internal FFE data.

have returned to an Exchange without the proposed changes in this rule.

For both Exchanges on the Federal platform and State Exchanges, we estimate that it would take approximately 30 minutes (0.5 hours) on average for a consumer to provide or confirm their information annually.[38] Using the estimate of the hourly value of time for unpaid activities calculated at $25.58 per hour in section IV.A. of this proposed rule, we estimate that the increase in cost for each Exchange consumer providing or confirming the specified eligibility information beginning with the pre-OE verification period for PY 2028, which would occur in 2027, would be approximately $12.79 (0.5 hours × $25.58). In aggregate, we estimate the total increased burden on both Federal Exchange and State Exchange consumers for this additional data collection to be $72,556,353 ([3,969,403 Federal Exchange consumers × $12.79] + [1,703,494 State Exchange consumers × $12.79]) per year.

We also are of the view that requiring consumers to annually return to Exchanges to provide or confirm the specified eligibility information to maintain enrollment in QHP coverage with APTC and CSRs would likely result in increased burden for consumers and administrative costs for Exchanges. In particular, Exchanges would likely experience an increase in the number of consumers for whom the Federal Government must generate and process DMIs. This is because, today, consumers who do not contact the Exchanges on the Federal platform for the subsequent plan year do not generate DMIs, and in accordance with current policy at § 155.335(a)(2)(ii), may be redetermined eligible for APTC or CSRs based on previously verified information or data available from trusted sources. Under the proposal in this rule, however, enrollees would be required to provide or confirm certain information with Exchanges on the Federal platform for the applicable plan year before Exchanges can make APTC or CSRs available for the plan year, and they may generate DMIs as part of this process. Because we assume that most consumers who previously did not contact Exchanges on the Federal platform for the upcoming year would now return to provide or confirm information, and because they may generate DMIs as part of this new process, we expect an increase in the number of consumers who would generate DMIs. Based on historical data, we estimate that approximately 1,289,913 additional consumers [39] would receive DMIs for Exchanges on the Federal platform annually beginning in the pre-OE verification period for PY 2028, which would occur in 2027. We arrived at this estimate by starting with the 3,969,403 consumers on Exchanges on the Federal platform who must return to an Exchange to provide or confirm information and estimated that ~32 percent of these consumers would generate DMIs based on historical DMI trends.

State Exchanges currently employ varying approaches for DMI generation during annual eligibility redetermination and re-enrollment. As a result, we anticipate that some State Exchanges may experience an increase in DMI activity beginning in the pre-OE verification period for PY 2028 (which would occur in 2027), while others may not. We are unable to estimate the potential impacts on State Exchange consumers or State Exchanges, and we solicit comment from State Exchanges regarding the anticipated impacts of the proposed policy on their expected DMI volumes.

The additional DMIs for Exchanges on the Federal platform because of the proposed policy would increase information collection burden on consumers. Based on internal FFE data, we estimate that consumers will require approximately 1 hour each to respond to the associated questions or to submit the required documentation. Using the estimate of the hourly value of time for unpaid activities calculated at $25.58 per hour in section IV.A. of this proposed rule, we estimate that the increased burden on consumers to compile and submit documents, beginning with the pre-OE verification period for PY 2028, which would occur in 2027, would be approximately $25.58 (1 hour × $25.58), and the cost increase for Federal Government consumers starting in PY 2027 would be approximately $32,995,975 (1 hour × $25.58 × 1,289,913 Federal Government consumers) per year.

Additionally, we estimate that the Federal Government would generate and process an additional 1,749,325 DMIs,[40] resulting in an increase in burden for Exchanges. We arrived at this estimate by starting with the 1,289,913 consumers on Exchanges on the Federal platform who we estimate would generate DMIs and estimated that they would on average generate ~1.36 DMIs each based on historical DMI trends. Once a document is submitted, we estimate that it would take approximately 1 hour and 12 minutes (1.2 hours) for an eligibility support staff person (BLS occupation code 43–4061), at an hourly cost of $52.12, to receive, review, and verify submitted verification documents as well as conduct outreach and determine DMI outcomes. Therefore, adding these DMIs would result in an increase in annual burden on Exchanges on the Federal platform of 2,099,190 hours (1,749,325 DMIs × 1.2 hours per DMI) at a cost of $109,409,783 (2,099,190 hours × $52.12) beginning in the pre-OE verification period for PY 2028, which would occur in 2027.

We seek comment on these proposed burden estimates and assumptions.

D. ICRs Regarding Plan Selection During Inconsistency Period (§§ 155.400, 155.410, 155.420, 155.330)

The following changes will be submitted for review under OMB Control Number 0938–1191.

We propose to add new § 155.400(i) to expand the enrollment options available to applicants or enrollees who are subject to the new verification requirements described in section III.A.4.b of this proposed rule. The proposed update at § 155.400(i) would require Exchanges to allow applicants or enrollees to ''pend'' their plan selection during their inconsistency period such that the plan selection is only sent to the issuer, and QHP coverage only becomes effective, after the applicant's or enrollee's DMI related to the applicable enrollment information, are resolved by an Exchange and APTC becomes available.

We also propose to add new § 155.410(f)(5), which would provide QHP effective date rules for instances in which a consumer pends their plan selection during the annual OEP, as described in section III.A.8. of this proposed rule. In general, we propose that if an applicant's DMIs are resolved by the 15th of the month following the effective date they would have otherwise qualified for under § 155.410(f), then the applicant's QHP would become effective on that otherwise prescribed effective date. If the applicant's DMIs are not resolved by the 15th of the month following their otherwise prescribed effective date, and their DMIs are resolved before the 15th of the month, then their QHP would be effective the first of the month in which

[38] This estimate aligns with past estimates for the amount of time it takes a consumer to complete an online application for insurance affordability programs, as outlined in the Data Collection to Support Eligibility Determinations for Insurance Affordability Programs and Enrollment through Health Benefit Exchanges, Medicaid and CHIP Agencies (CMS–10440), OMB Control Number 0938–1191.

[39] This estimate is based on internal FFE data.

[40] This estimate is based on internal FFE data.

the resolution occurs. If their DMI resolution occurs after the 15th of the month, their QHP would be effective the first of the following month. In § 155.315(f)(4)(iv)(B)*(1),* we propose that, in these scenarios, the effective date for the consumer's APTC and CSR determinations would align with their coverage effective date.

Lastly, we propose to add new § 155.420(b)(6) to state the effective dates for coverage if a consumer qualifies for an SEP and selects a QHP that, in accordance with § 155.400(i), is not released to the issuer until the consumer resolves their DMIs. Currently, § 155.420(b) describes the effective dates that are applicable for consumers enrolling via an SEP based on the SEP type and the trigger date for the SEP. If an Exchange resolves a consumer's DMIs prior to the effective date specified in § 155.420(b)(1) through (3) of this section, then we propose that the effective date specified in § 155.420(b)(1) through (3) is transmitted to the issuer when the plan selection is released. However, in the case that the DMI resolution described at § 155.400(i)(2) occurs after the applicable coverage effective date described in § 155.420(b)(1) through (3) of this section, then the new proposed rule at § 155.420(b)(6) would apply. The new proposed rule at § 155.420(b)(6) specifies that if the consumer's DMI is resolved on or before the 15th of a month, coverage would be effective the 1st of the same month; if the consumer's DMI is resolved after the 15th of the month, coverage would be effective the 1st of the following month. In § 155.315(f)(4)(iv)(B)*(2),* we clarify that, in these scenarios, the effective date for the consumer's APTC and CSR determination would align with their coverage effective date.

As mentioned previously, the proposed addition at § 155.400(i) would enable applicants or enrollees to select a plan while their information is being verified by an Exchange in cases where consumers prefer their enrollment to be contingent on the availability of APTC. Both State Exchanges and Exchanges on the Federal platform will have a one-time implementation cost to create new processes for consumers to select a pended plan. Currently, there are 21 State Exchanges (20 States plus the District of Columbia), and we are aware of 1 additional State that plans to transition to a State Exchange for PY 2027, thus bringing the total to 22 State Exchanges (21 States plus the District of Columbia). We estimate that it would take Exchanges 25,000 hours across 2026 and 2027 to make these updates.

Using the median wage rates estimated in IV.A., we estimate that this total for Exchanges would include 6,250 hours from a database and network administrator and architect at $106.52 per hour and 18,750 hours from a computer programmer at $96.52 per hour. Given this, we estimate that Exchanges on the Federal platform will incur a one-time burden across 2026 and 2027 of $2,475,500 [(6,250 × $106.52) + (18,750 × $96.52)] to make these eligibility system updates, with all 22 State Exchanges incurring a total of $54,461,000. In total, the burden associated with all system updates would be 575,000 hours at a cost of $56,936,500. This process is optional for consumers who are under no requirement to pend a plan before they find out if they are eligible for APTCs and CSRs.

We seek comment on these proposed burden estimates and assumptions.

E. ICRs Regarding Pre-Open Enrollment Verification Period (§ 155.410(h))

The following changes will be submitted for review under OMB Control Number 0938–1191 and OMB Control Number 0938–1254.

We are proposing to add § 155.410(h) to require all Exchanges to provide consumers with a verification period that begins prior to the beginning of the OEP each year during which Exchanges would be required to verify eligibility information that consumers choose to provide for the upcoming plan year. We propose that all Exchanges would make this process available beginning on August 1, 2027, for PY 2028 and August 1 of each subsequent year. We propose that Exchanges would be required to allow consumers to provide, update, or confirm their information, including, at a minimum, their household income, incarceration status, citizenship or lawful presence status, and place of residence.

We propose in § 155.410(h)(2) to require that during the pre-OE verification period, consumers can provide their information for the upcoming plan year. We propose at § 155.410(h)(3) that Exchanges would be required to attempt to verify this information and, if verification is unsuccessful, to follow the updated DMI procedures in § 155.315(f). (See ICR on § 155.335 for burden estimates related to trusted data sources.)

The burden to issuers related to sending the Federal standard notices is currently approved under OMB Control Number 0938–1254 (CMS–10527). We will revise the information collection to include the necessary language modifications in the Federal standard notices due to the changes proposed in this proposed rule. However, we do not anticipate any change in burden to issuers.

We estimate that it would take Exchanges 15,000 hours across 2026 and 2027 to make these one-time updates. Using the median wage rates estimated in IV.A., we estimate that this total for Exchanges would include 3,750 hours from a database and network administrator and architect at $106.52 per hour and 11,250 hours from a computer programmer at $96.52 per hour. Given this, we estimate that Exchanges on the Federal Platform will incur a one-time burden across 2026 and 2027 of $1,485,300 (3,750 × $106.52 + 11,250 × $96.52) to make these eligibility system updates, and all 22 State Exchanges will incur a total of $32,676,600. In total, the burden associated with all system updates would be 345,000 hours at a cost of $34,161,900.

We seek comment on these proposed burden estimates and assumptions.

F. Summary of Annual Burden Estimates for Proposed Requirements

TABLE 3—PROPOSED ANNUAL RECORDKEEPING AND REPORTING REQUIREMENTS

Regulation section(s)	OMB control No.	Total annual burden (hours)	Total cost ($)
155.315, 155.320, 155.330	0938–1191	690,000	$68,323,800
155.335	0938–1191	6,731,552	265,066,231
155.400, 155.410, 155.420, 155.330	0938–1191	575,000	56,936,500
155.410(h)	0938–1191, 0938–1254	345,000	34,161,900

G. Submission of PRA-Related Comments

We have submitted a copy of this proposed rule to OMB for its review of the rule's information collection and recordkeeping requirements. These requirements are not effective until they have been approved by the OMB.

To obtain copies of the supporting statement and any related forms for the proposed collections discussed previously, please visit CMS' website at *www.cms.hhs.gov/PaperworkReductionActof1995,* or call the Reports Clearance Office at 410–786–1326.

If you comment on these information collection, that is, reporting, recordkeeping or third-party disclosure requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule.

Comments must be received by the date and time specified in the **DATES** section of this rule.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VI. Regulatory Impact Analysis

A. Statement of Need

This proposed rule includes proposed updates to provisions related to Exchange eligibility and verification consistent with new requirements specified under the WFTC legislation. This proposed rule also proposes related updates to provisions affecting inconsistency periods, reported modifications to eligibility criteria, verification procedures, and eligibility redeterminations. Additionally, this proposed rule proposes to remove annual eligibility redetermination and re-enrollment requirements for APTC and CSRs while continuing the same for QHP coverage, expand enrollment options during the verification process, and establish new effective dates.

B. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866, ''Regulatory Planning and Review''; Executive Order 13132, ''Federalism''; Executive Order 13563, ''Improving Regulation and Regulatory Review''; Executive Order 14192, ''Unleashing Prosperity Through Deregulation''; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Social Security Act; and section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, or the President's priorities.

A regulatory impact analysis (RIA) was prepared for this rule in keeping with Executive Order 12866. Based on our estimates, the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) has determined that this rulemaking is ''significant'' per section 3(f)(1). We have prepared an RIA that, to the best of our ability, presents the costs and benefits of the rulemaking.

C. Detailed Economic Analysis

1. DMIs (§§ 155.315, 155.320, 155.330)

We are proposing to modify § 155.315(f)(4)(ii) to state that Exchanges cannot provide APTC and CSRs to consumers who receive DMIs related to the applicable enrollment information. We also propose to exempt those who qualify for an SEP due to a change in family size from these new requirements to verify certain factors of eligibility before providing APTC within proposed § 155.315(f)(4)(ii) and proposed § 155.315(f)(4)(iii)(A). We are also proposing to add § 155.315(f)(4)(iii) to describe that Exchanges would be required to continue to provide APTC and CSRs (as applicable) during inconsistency periods created due to reporting a change to eligibility criteria during the plan year after an Exchange has completed verification of those same criteria.

We also propose to add § 155.315(f)(4)(iv), which provides that Exchanges would be required to determine eligibility for APTC and CSRs on behalf of an applicant per new effective dates following successful verification of information as described in proposed new § 155.315(f)(4)(ii). Finally, we propose to add § 155.315(f)(4)(v) to clarify that applicants with DMIs other than those outlined in § 155.315(f)(4)(ii) would be able to continue receiving APTC and CSRs if otherwise eligible during the inconsistency period.

We also propose to amend § 155.330(f)(1) such that if an Exchange redetermines an enrollee's eligibility to enroll in APTC or CSRs because the enrollee has provided updated information to the Exchange, then the redetermination of eligibility would become effective on the first of the month following an Exchange's eligibility redetermination, with an exception at § 155.330(f)(1)(i) to allow APTC or CSR effective dates that align with SEP effective dates in cases of retroactive or case-by-case SEPs.

We propose to amend § 155.330(f)(2) to provide that if a consumer is already enrolled in a QHP when their DMI is resolved, an Exchange would be required to implement their APTC and CSR eligibility determination effective the first day of the first month in which an Exchange determined all relevant eligibility criteria to be verified, as long as the consumer was enrolled in a QHP as of the first of that month, and the consumer's DMI was generated prior to the first of that month.

Finally, we propose to amend § 155.330(f)(3) to provide effective date rules for an Exchange's redetermination of eligibility following the expiration of a DMI or the end of a periodic data matching period. This proposal maintains current effective date rules for such redeterminations, with the exception that, if the redetermination results in the consumer qualifying for the same or an increased amount or level of APTC or CSRs, then Exchanges are no longer permitted to delay the effective dates for such redeterminations beyond the first of the next month.

As mentioned in section IV.B. of this proposed rule, we are providing analysis of all of these sections together due to their intertwining impacts on costs and burdens between the provisions on consumers' DMIs, the requirements for Exchanges to

adjudicate DMIs prior to a consumer receiving APTC, and the dates those changes are effective. In section IV.B. of this proposed rule, we estimated that to implement all of these proposed changes, including withholding APTC during an inconsistency period; creating exceptions to that process for both a Family Size SEP waiver and a new DMI set during an eligibility redetermination during the plan year, and adding in rules for effective dates for enrollee-reported changes and the resolution and expiration of DMIs, it would result in a one-time burden cost of $2,970,600 to Exchanges on the Federal platform and a one-time burden cost of $65,353,200 for all State Exchanges across 2026 and 2027.

We anticipate that both Exchanges on the Federal platform and State Exchanges would each incur an ongoing, annual cost burden related to requiring a new Eligibility Determination Notice (EDN) be generated in relation to changes in § 155.315. This would result in an estimated annual increase of 1.5 million notices for each Exchange. Using the cost of $0.62 per notice, we estimate this will result in an annual ongoing burden cost of $930,000 for Exchanges on the Federal Exchange (1,500,000 notices × $0.62 cost per notice) and $20,460,000 for State Exchanges (1,500,000 notices × $0.62 cost per notice × 22) for a total of $21,390,000 annually, beginning in 2027.

In addition to the annual ongoing costs of generating additional EDNs, we also expect one-time costs related to updating notices. Currently, Exchanges on the Federal platform and State Exchanges send notices to consumers when their eligibility for coverage and financial assistance changes, as well as potentially in instances where a consumer submits an insufficient document to resolve a DMI, when a DMI expires, when a DMI is resolved, and other potential related scenarios. Given the significant changes included in these proposals, such as the requirement to resolve DMIs prior to determining eligibility for APTC, the exception to that requirement during a family size SEP and when a DMI generates during a mid-year change, and the associated effective dates for being determined eligible for APTC, we expect that all Exchanges will need to make significant updates to their noticing processes.

These processes will include language-related updates across these types of notices, as well as considering whether current noticing efforts must be changed to account for these significant proposed changes. Given this, using the median wage rates estimated in IV.A., we estimate that it would require Exchanges a total of 5,000 hours to update the associated notices, split between a technical writer and a management analyst. The median wages were doubled to account for overhead and fringe benefits (2,500 × $86.92 + 2,500 × $97.94). Therefore, we estimate that Exchanges on the Federal Platform may incur an estimated one-time cost of $462,150 and all State Exchanges may incur 110,000 hours for an estimated one-time cost of $10,167,300 (92,500 × $86.92 + 2,500 × $97.94] × 22 State Exchanges) to update associated notices in 2027, for a total of 115,000 hours at a cost of $10,629,450.

We estimate that our proposal to amend § 155.315(f)(4) to allow for Exchanges to provide APTC during an applicant's inconsistency period if the applicant's household is eligible for an SEP in accordance with § 155.420(d)(2), as well as our proposal to add § 155.315(f)(4)(iii) to require Exchanges to continue to provide APTC and CSRs during inconsistency periods created due to reporting a change to eligibility criteria during the plan year after an Exchange has completed verification of those same criteria, would not impose substantial ongoing burdens or costs on Exchanges, issuers, or consumers (besides the one-time implementation cost that was mentioned in section IV.B. of this proposed rule) beyond the ongoing costs that are already accounted for as part of the existing policy to allow APTC to be paid on behalf of consumers during their inconsistency period.

We also are of the view that requiring a consumer to adjudicate their DMI prior to receiving APTC may cause Exchanges to have increased operational needs to decrease the amount of time needed to review and approve documentation to ensure that consumers receive APTC in a timely fashion. Exchanges currently have a 90/95-day period to help consumers resolve DMIs while they receive APTC and CSRs, and current consumer behavior leads to consumers tending to submit the needed documentation near the end of this period. However, with our proposed changes, consumers will not be eligible for APTC or CSRs until after they have resolved their DMIs.

We have determined that this change would also result in a change in consumer behavior where a consumer is more likely to resolve a DMI towards the beginning of their inconsistency period versus delaying their efforts until closer to when their inconsistency period is ending. While consumers are generally shielded from the time that it takes an eligibility support worker to process their DMI in the current environment as there is no effect on their APTC eligibility (within their current 90/95-day period), consumers will be acutely aware of the delay in processing DMIs in this new regime due to their unresolved DMI impacting their APTC and CSR eligibility. If there are delays in determining a consumer eligible for APTC and CSRs, it could create consumer satisfaction pressure for Exchange operations to decrease the amount of time that it takes for an Exchange to process a DMI, especially at points in the year such as towards the end of Open Enrollment to ensure that consumers will be able to receive APTC and CSRs beginning in January if they are indeed eligible. Some Exchanges may find that it is necessary to increase seasonal staffing to help consumers resolve their DMIs and therefore receive APTC and CSRs. We seek comment on estimates from Exchanges as to the time that it takes to resolve different DMIs and whether Exchanges predict any staffing changes could be made in response to these proposed changes.

Additionally, these changes could help mitigate potentially fraudulent behavior done by agents, brokers, and web-brokers. As outlined in the 2025 Marketplace Program Integrity and Affordability Rule and the 2027 Payment Notice, many agents, brokers, and web-brokers may be incentivized to enroll consumers with potentially incorrect income amounts that result in maximum APTC amounts for the consumers. While this would typically result in at least an income DMI, under current regulations, those consumers would be enrolled for at least 90 days with that level of APTC before the income DMI would expire, allowing agents, brokers, and web-brokers to receive commissions for the time that consumers are enrolled.

With the proposed change to not determine APTC and CSR eligibility until all DMIs related to the applicable enrollment information are adjudicated, agents, brokers, and web-brokers that have historically participated in fraudulent behavior would no longer be able to have consumers receive APTC or CSRs until they work with those consumers to submit documents and resolve those DMIs. This is especially true for agents, brokers, and web-brokers who mislead consumers into believing they are eligible for more APTC than they may be eligible for. Given this, we anticipate that Exchanges may see a decrease in costs associated with combating fraud in relation to inaccurate application attestations and may see a decrease in agents, brokers, and web-brokers who have potentially

fraudulent motivations participating in Exchanges.

While potentially less significant than the proposals to generally disallow APTC and CSR during inconsistency periods, we expect that there will also be qualitative impacts of the proposals in § 155.330 related to APTC and CSR effective dates. We propose eliminating the exceptions currently at § 155.330(f)(2) and (3), and therefore no longer allowing Exchanges to delay effective dates for certain eligibility redeterminations. We anticipate this proposed change will benefit consumers insofar as it requires their updated eligibility redetermination to take effect sooner than it would under current rules, resulting in more accurate APTC determinations and reduced risk of consumer tax liability at reconciliation. This is particularly important given that section 71305 of the WFTC legislation removes caps on the amount of APTC a consumer may be liable to repay when filing their taxes and reconciling their APTC. However, we also expect that some consumers may find that the shorter time between eligibility redetermination and APTC and CSR effective date makes it more difficult to anticipate and plan for unexpected increases to their net premium or cost-sharing responsibilities.

Finally, we acknowledge that these proposed changes may result in one-time changes to issuer operations. Due to both the timing of DMIs and new use cases in which consumers may qualify for retroactive APTC and CSRs, we assume issuers would need to make updates to their notices to consumers. Specifically, because proposed effective date changes would allow for retroactive APTC and CSRs upon DMI adjudication in cases where an Exchange is able to verify APTC and CSR eligibility for previous months, issuers would likely see an increase in the number of consumers that are requesting the application of retroactive APTC and CSRs on their plans. We seek comment from issuers and other affected parties on what these cost burdens may look like for the proposed updates to effective dates upon DMI resolution.

We seek comment on these proposed impacts and assumptions.

2. Annual Eligibility Redetermination (§ 155.335)

We are proposing to modify § 155.335(a) to specify that for an Exchange to redetermine an enrollee eligible for APTC and CSRs for the subsequent plan year, the enrollee or the enrollee's application filer would be required to provide or confirm household income and family size; U.S. citizenship or status as a lawfully present eligible non-citizen; eligibility for or enrollment in other MEC; and place of residence for the subsequent plan year on or after August 1 and no later than December 31 of the year preceding the applicable plan year, and the Exchange would be required to verify the specified eligibility information using the processes in §§ 155.315 and 155.320, including the relevant provisions in those sections regarding DMIs.

We also propose to amend § 155.335(b) to state the annual eligibility redetermination would be effective on the first day of the applicable plan year, and the Exchange would be required to adhere to the existing notification standard for eligibility determinations under § 155.310(g). We propose an exception in instances where an enrollee has an unresolved DMI related to the applicable enrollment information as of December 31 of the year preceding the plan year and for whom APTC and CSRs are not provided during the inconsistency period. In these cases, we propose that the redetermination of APTC and CSRs under this part take effect in accordance with §§ 155.315(f)(4)(iv)(A) or 330(f)(3), as applicable. We propose to remove § 155.335(c) through (i); redesignate § 155.335(j) as new § 155.335(c); and remove § 155.335(k) through (n).

a. Costs

As discussed in section IV.C. of this proposed rule, we estimate that implementing this proposed policy would require one-time costs to the Federal Government and each State Exchange. For the Federal Government, we estimate a burden between 2026 and 2027 of 22,000 hours at a cost of $2,178,440. For State Exchanges, we estimate a burden in 2026 and 2027 of 484,000 hours at a cost of $47,925,680 for completing the necessary updates to State Exchange systems. In total, the burden associated with all system updates would be 506,000 hours at a cost of $50,104,120.

In section IV.C. of this proposed rule, we estimate that an additional 3,969,403 consumers in Exchanges on the Federal platform and an additional 1,703,494 consumers in State Exchanges who previously would not have been required to contact the Exchange to be re-enrolled with APTC and CSRs for the subsequent plan year, after being determined eligible under an Exchange's procedures, would instead have to return to Exchanges to provide or confirm the specified eligibility information under the proposed policy. In aggregate, we estimate the total annual cost burden to all Federal Government and State Exchange consumers for the additional data collection beginning with the pre-OE verification period to be $72,556,353, beginning in 2027.

As further discussed in section IV.C. of this proposed rule, we estimate that the proposed policy would result in an increase of 1,749,325 DMIs generated and processed by Exchanges on the Federal platform. We estimate that the increase in cost for consumers from Exchanges on the Federal platform beginning with the pre-OE verification period for PY 2028 would be approximately $32,995,975 per year.

Additionally, we estimate that an increase in the number of DMIs that the Federal Government would generate and process would result in an increase in burden for Exchanges. In aggregate, we estimate the total annual cost burden to Exchanges on the Federal platform because of increase of DMIs would be $109,409,783 beginning with the pre-OE verification period for PY 2028, which is in 2027.

We also anticipate an increase in the number of transactions transmitted by the Federal Government to trusted data sources for the purpose of verifying consumer eligibility information. The costs associated with these transactions vary by data source and the type of information returned. State Exchanges currently employ varying operational approaches for utilizing trusted data sources to verify information. As a result, we anticipate that some State Exchanges may experience an increase in trusted data source transactions, while others may not. We solicit comment from State Exchanges regarding the anticipated operational impacts of the proposed policy on trusted data sources transactions.

Currently, the Federal Government submits verification requests to the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) via the Federal Data Services Hub (''the Hub'') to confirm consumer immigration status. Because the price per transaction for HHS data is proprietary information, we are unable to provide those numbers in this rulemaking as this would be a direct conflict with the contract that HHS holds with DHS. In 2027, the projected annual cost for such verification requests is estimated to increase by $5,830,080 for Exchanges on the Federal platform, relative to projected annual costs in the absence of the proposed policy, according to HHS internal data. This represents a 31 percent increase in the number of DHS

SAVE transactions compared to DHS SAVE transaction volume without the proposed policy.

The Federal Government also submits verification requests to the Social Security Administration (SSA) to validate Social Security numbers and verify if a consumer is a U.S. citizen, as well Title II income information to verify projected household income. Because the price per transaction for SSA data is proprietary information, we are unable to provide those numbers in this rulemaking as this would be a direct conflict with the contract that HHS holds with SSA. As described in IV.B. of this proposed rule, we estimate an additional 3,969,403 consumers will provide or confirm their information on Exchanges on the Federal platform. As a result of this proposed policy, we further estimate based on internal HHS analysis that the annual cost to Exchanges on the Federal platform for verification requests to the SSA would increase by $636,240 in 2027, relative to projected costs in the absence of the proposed policy. This represents a 21 percent increase in transactions compared to SSA transaction volume without the proposed policy.

In addition to use of IRS data, verification of income data is conducted through the Current Sources of Income (CSI) Hub service, which is an optional service for State Exchanges. If State Exchanges choose to use the CSI Hub service, they are required to pay for their utilization of the CSI service in full. Because the price per transaction for CSI data is proprietary information, we are unable to provide those numbers in this rulemaking, or the precise utilization rates for the 10 State Exchanges that currently use this optional service, as this would be a direct conflict with the contract that HHS holds with the CSI contractor. However, based on internal HHS analysis, we estimate the annual cost of utilization of the CSI Hub service to increase by $2,676,103 for the Federal Government, relative to 2027 estimates without the proposed policy change. This represents a 14 percent increase in transaction volume.

Under our proposed rule, the volume of verification inquiries submitted to each of these trusted data sources is expected to increase as a greater number of consumers are required to provide or confirm the specified eligibility information annually. In aggregate, the total burden associated with all verification inquiries submitted to trusted data sources across the Federal Government would be $9,142,423 ($5,830,080 + $636,240 + $2,676,103), based on the rates described previously and the anticipated incremental increase in inquiry volume relative to the 2027 baseline without the proposed policy.

Other trusted data sources that the Federal Exchange uses to verify eligibility do not have a per-transaction cost associated, and we therefore do not expect increased costs with regard to these verifications as a result of this proposed rule. We seek comment from State Exchanges regarding whether they incur additional per-transaction verification costs not addressed in this analysis.

b. Benefits

Beyond these cost estimations, we expect that requiring consumers to provide or confirm specified eligibility information as a condition of re-enrollment with APTC and CSRs in the subsequent plan year and Exchanges verifying that information would mitigate the risk that individuals receive APTC or CSRs for which they are no longer eligible, thereby reducing incidences of improper or fraudulent enrollment. As discussed in the 2025 Marketplace Program Integrity and Affordability final rule (90 FR 27074) and the HHS Notice of Benefit and Payment Parameters for 2026 final rule (90 FR 4424), we have observed instances in which agents, brokers, and web-brokers enroll consumers using potentially inaccurate income information that results in the application of maximum APTC amounts for consumers. Improper payments are a fiscal risk to the Federal Government and undermine public trust in the integrity of the Exchanges. We are of the view that our proposed policy is likely to substantially reduce fraudulent or abusive practices by agents, brokers, and web-brokers by interrupting the perpetuation of inaccurate subsidy amounts across plan years. This verification requirement strengthens the overall credibility of the Exchanges, improves program integrity, and protects consumers from downstream financial and coverage consequences of enrollment fraud.

In addition, we anticipate that the proposed policy would improve APTC accuracy by aligning subsidy determinations more closely with a consumer's projected household income, for example, and other applicable eligibility criteria and circumstances for the upcoming plan year. More accurate APTC determinations on at least an annual basis would reduce the likelihood of excess APTC and the associated tax liability at reconciliation for consumers.

We seek comment on these proposed impact estimates and assumptions.

3. Plan Selection During Inconsistency Period (§§ 155.400, 155.410, 155.420, 155.330)

We anticipate that the proposed modifications to binder payment regulations at § 155.400(e)(1), which would update the rules for collection of binder by Exchange issuers under the new enrollment scenarios proposed in this rule, would have a minor but positive impact on the risk pool, and would result in minor costs to issuers associated with the potential need for system changes. These regulations would provide issuers with additional flexibility to set binder payment deadlines, and in some circumstances would require issuers to set a later binder payment deadline than they might under current rules. As a result, to the extent that issuers grant applicants additional time to pay binder and effectuate coverage, more enrollments will likely be effectuated, though we do not have adequate data to determine exactly how many. Because sicker enrollees are, overall, more likely to enroll and pay premiums even when doing so represents a financial hardship, providing additional time to pay binder will likely result in healthier and less costly applicants effectuating coverage.

Due to the changes this provision makes to the rules on when issuers are permitted to set the deadline for paying binder, there may be some costs to issuers associating with updating their systems to reflect a different deadline for the first month's premium, or to account for additional scenarios in which binder must be collected. In addition, issuers may need to make changes to their system to reflect the need to collect more than one month's premium for the binder payment in additional scenarios. However, we do not have adequate data to estimate these costs. The proposed addition to § 155.400(i) that would enable applicants or enrollees to ''pend'' their plan selection during their inconsistency period such that the plan selection is only sent to the issuer, and QHP coverage only becomes effective, upon the Exchange determining the applicant or enrollee eligible for APTC and CSRs, as applicable, as described by § 155.315(f)(4)(iv) or § 155.315(f)(5). Specifically, this reduces consumer burden introduced by the proposed changes in section III.A.4.b. of this proposed rule by allowing them to choose their plan in the same session as their application without having to come back again to choose a plan after they are determined eligible for APTC.

The addition to § 155.400(i) would increase enrollment under the proposed policies as it would streamline the enrollment process for applicants or enrollees who cannot afford to enroll in a full-price QHP during their inconsistency period because it would remove the burden of returning to Exchanges once the relevant DMIs are resolved. It may be time-consuming for applicants or enrollees to have to return to Exchanges after submitting an application to provide a document or select a plan. It would be likely many people would miss the deadline and fail to enroll without the addition at § 155.400(i) due to the time that DMI resolution often takes. Starting with the PY 2028, applicants or enrollees seeking to enroll with APTC and CSRs will miss the opportunity to enroll if Exchanges do not resolve their DMIs related to the applicable enrollment information before the end of the OEP, and they are not permitted to pend any plan selections to enroll in their desired QHP plan. The plan is only sent to the issuer once the Exchange determines the applicant or enrollee eligible for APTC and CSRs, as applicable, as described by § 155.315(f)(4)(iv) or § 155.315(f)(5). This highlights a positive impact in that only those who qualify to be on Exchanges will receive coverage, and Exchanges will only provide APTC and CSRs to those who truly qualify. The proposed changes to §§ 155.410(f)(5) and 155.420 are being made to enable the change to § 155.400, so they do not have any separate impact.

As discussed in section IV.D. of this proposed rule, we estimate one-time implementation costs of $2,475,500 for Exchanges on the Federal platform and $54,461,000 for all 22 State Exchanges in 2027 to make these eligibility system updates.

We seek comment on these impact estimates and assumptions.

4. Pre-Open Enrollment Verification Period (§ 155.410(h))

We propose to add § 155.410(h) to require all Exchanges to permit consumers to provide eligibility information to Exchanges for the upcoming plan year prior to the beginning of the OEP each year. We propose that all Exchanges make this process available beginning on August 1, 2027, for the 2028 Plan Year and August 1 of each subsequent year. We propose that Exchanges would be required to allow consumers to provide, update, or confirm their information, including, at a minimum, their household income, citizenship or lawful presence status, incarceration status and place of residence for the upcoming plan year. We propose in § 155.410(h)(2) to require that during the pre-OE verification period, consumers can provide their information for the upcoming plan year. We propose in § 155.410(h)(3) that Exchanges would be required to attempt to verify this information and, if verification is unsuccessful, to follow the updated DMI procedures in § 155.315(f). (See ICR on § 155.315 for burden estimates related to trusted data sources.)

As discussed in section IV.E. of this proposed rule, we estimate one-time implementation costs of $1,485,300 for Exchanges on the Federal platform and $32,676,600 for all 22 State Exchanges in 2027 to implement functionality for the pre-OE verification period.

We anticipate that all Exchanges may incur costs associated with annual advertising costs to announce the new pre-OE verification process so that consumers are aware that the eligibility process for the subsequent year may be completed earlier than before. Additionally, we anticipate that all Exchanges may incur ongoing maintenance of the pre-OE verification process website annually.

On an ongoing basis, Exchanges also may need to adjust staffing models for their call centers, documentation review personnel, and casework teams to increase capacity before open enrollment. We expect plan data will be unavailable during most or all of the pre-OE verification period for most or all Exchanges. Therefore, Exchanges would be unable to provide updated amounts of APTC to consumers who submit applications during the pre-OE verification period and who are determined eligible for APTC. We anticipate that as a result, Exchanges may incur costs to adjust their standard eligibility determination notices and results to account for the missing information. We anticipate additional noticing costs for Exchanges to update consumers with the amount of APTC when plan data does become available.

For Exchanges that allow third parties to collect eligibility information from consumers, as described in § 155.221, we estimate costs for such enrollment partner changes to permit consumers to provide information earlier for the subsequent year as well. Costs for enrollment partners are likely to mirror some percentage of Exchange costs, both for initial implementation and on an on-going basis. We are aware of approximately 11 primary Enhanced Direct Enrollment (EDE) entities that would incur costs as described here. Agents, brokers, navigators, certified assistance counselors, and other assisters may need to adjust their staffing and/or business model to adjust to the change in timing of Exchange activities in anticipation of the subsequent coverage year. We note that the proposed regulations do not require consumers to complete their application or verification prior to Open Enrollment, but consumers who seek to take advantage of the new opportunity may depend on assistance personnel to facilitate their participation in the pre-OE process. Due to a lack of data, we are unable to quantify all anticipated benefits, costs, and transfers associated with this proposed provision, and request comment and data on the potential impacts. We seek comment on these proposed impact estimates and assumptions.

Consumers who choose to utilize the pre-OE verification period would generally be spending time on application and verification tasks that otherwise would have been completed during Open Enrollment, and we therefore estimate the net consumer burden as a result of the existence of the pre-OE verification period to be minimal. However, because we expect plan data would not be available for most of the pre-OE verification period for most Exchanges, consumers who take advantage of the pre-OE process would have to make an additional later visit to Exchanges to shop for a plan. We estimate there would be some net increase in time spent on Exchange processes as a result of dividing application completion from plan shopping into two separate interactions with the Exchange. In addition, if consumers choose to provide eligibility information to Exchanges further in advance of the coverage year due to the availability of the pre-OE verification period, it increases the chance that the consumer would experience a change in their information prior to the coverage year that also results in an additional visit to an Exchange to report the change. These net increases in time spent completing eligibility and enrollment activities would impact consumers as well as the agents, brokers and other assisters who assist consumers with the process.

There is inherent uncertainty regarding the proportion of consumers who would utilize the pre-OE verification process. In addition, part of the potential increase in time consumers would spend using the pre-OE verification process may overlap with the burden quantified in section VI.C.2. related to enrollees who use the pre-OE period to provide information newly required for annual redetermination. However, we estimate here that 5 percent of consumers, 829,125

(16,582,500 total enrollees across Exchanges on the Federal platform and 22 State Exchanges × 0.05) overall would spend more time on their eligibility and enrollment process due to electing to provide information during the pre-OE period and subsequently needing to return to the Exchange to provide additional information, choose a plan, or report a change. As noted, the time spent on the pre-OE process would largely replace time that consumers would otherwise spend providing the same information during the OEP, so we estimate the net time increase per consumer to be only about 5 minutes to account for a subsequent additional log-in to the Exchange website or to set up an additional call with an agent, broker or assister, but without any net additional information requested at any point. Using the estimate of the hourly value of time for unpaid activities calculated at $25.58 per hour in section IV.A. of this proposed rule, we estimate the total annual cost burden to all consumers across Exchanges on the Federal Platform and the 22 State Exchanges who opt to use the pre-OE verification period to be $1,767,425 (829,125 enrollees × (5 minutes ÷ 1 hour) × $25.58).

For the eligibility determination notice sent by the FFE, we estimate that there would be 690,938 households (derived from 829,125 enrollees) who will receive an additional EDN as a part of this process, leading to an ongoing cost of $299,867 (690,938 total households across Exchanges on the Federal platform and 22 State Exchanges × 70 percent × $0.62 to mail a notice) to mail additional notices. Currently about 70 percent of consumers opt to receive print notices, so we assume we will print a similar number of additional notices.

We request comment on the assumptions described here regarding the percentage of consumers impacted and the likely magnitude of burden per consumer.

5. Regulatory Review Cost Estimation

Due to the uncertainty involved with accurately quantifying the number of entities that will review the rule, we assume that the mid-point between the actual number of commenters received on the 2027 Payment Notice proposed rule (2,861) and the number of page views on the **Federal Register** website as of March 26, 2026 (25,723) would be the approximate number of reviewers (14,292) of this proposed rule. We acknowledge that this assumption may understate or overstate the costs of reviewing this proposed rule, and we seek comments on these assumptions.

Using the wage information from the BLS for medical and health service managers (Code 11–9111), we estimate that the cost of reviewing this final rule is $119.10 per hour, including overhead and fringe benefits.[41] Assuming an average reading speed of 250 words per minute, we estimate that it will take approximately 3.31 hours for the staff to review this proposed rule. For each entity that reviews the rule, the estimated cost is $394.22 (3.31 hours × $119.10 per hour). Therefore, we estimate that the total cost of reviewing this regulation is approximately $5,634,207 ($394.22 per reviewer × 14,292 reviewers).

6. Overall Impact of the Proposed Exchange Eligibility Verification Provisions

We anticipate that the provisions of this proposed rule, although severable, may work in concert with each other and affect many of the same individuals seeking coverage through the individual health insurance market. Therefore, the overall impact of this proposed rule would likely be less than the simple accumulation of the individual provisions' impact analyses. To the best of our ability, we provide overall impact estimates of these provisions for enrollment, APTC, and premiums that minimize the overlap of individuals affected. These estimates consider the enrollment, APTC, and premium impact due to the provisions in this proposed rule, if finalized, compared to what would occur if these proposals were not finalized.

We propose to amend current regulations to align with section 71303(a) of the WFTC legislation amendments to section 36B of the Code. The proposed updates specify changes to processes that all Exchanges would be required to use following the actions taken to confirm applicants' eligibility for APTC and CSRs, as applicable.

Proposed updates at sections III.A.7. of this proposed rule would increase the number of individuals who need to update their information annually and therefore would increase the number of individuals who receive DMIs, which younger and healthier consumers often do not resolve. This would result in a decrease in enrollment and the amount of APTC paid out, while affecting the risk pool so that premiums would increase due to younger individuals dropping coverage.

Additionally, proposed updates in section III.A.4.b of this proposed rule would increase verification-related barriers to enrollment with APTC/CSRs by requiring eligibility verification be complete prior to providing APTC/CSRs to enrollees rather than providing them during the inconsistency period.

We expect this to result in fewer enrollees due to delays in receiving APTC so that many enrollees will receive APTC for fewer months. Younger and healthier consumers would be less incentivized to complete this process since they have lower perceived need for health care and would opt out when faced with administrative barriers, leading to less APTC being paid out as well as increased premiums as these consumers leave the risk pool.

Overall, more individuals may lose coverage because they are unlikely to be able to afford to enroll in a full-price QHP while they complete the verification process, leading to an increase in the rate of uninsurance. This increase may impose greater burdens on the health care system as treatment may shift to under-prepared emergency departments, additional costs to the Federal Government and to States to provide Medicaid coverage limited to the treatment of an emergency medical condition and cause an overall reduction to labor productivity due to a reduction in preventative as well as readily available care for illness.

We do expect these updated verification processes to decrease the occurrence of fraudulent activity by agents, brokers, and web-brokers in the Exchanges. These changes could help prevent fraudulent behavior by agents, brokers, and web-brokers who intentionally provide incorrect application attestations. By not providing APTC and CSRs until the resolution of all DMIs related to the applicable enrollment information, agents, brokers, and web-brokers that have historically participated in fraudulent behavior, especially those who mislead consumers into believing they are eligible for more APTC than they may actually be eligible for, would have to work with consumers to submit documents and resolve those DMIs before the consumers receive APTC or CSRs. Agents, brokers, and web-brokers are incentivized to engage in fraudulent behavior because current rules let them collect commissions for the duration a consumer is enrolled with financial assistance, even after that assistance is revoked. Requiring eligibility verification to be completed before APTC or CSRs are issued would eliminate this avenue for collecting unearned commissions on ineligible consumers.

[41] See U.S. Bureau of Labor Statistics (n.d.). Occupational Employment and Wage Statistics, May 2025 Occupation Profiles. Dep't. of Labor. *https://www.bls.gov/oes/current/oes_stru.htm.*

Furthermore, requiring consumers to return to their application each year to provide or confirm specified eligibility information to re-enroll could mitigate the risk that consumers receive APTC or CSRs for which they are no longer eligible, thereby reducing incidences of improper or fraudulent enrollment.

Though we do acknowledge that these provisions will result in a decrease in improper and fraudulent enrollment, we do not quantify the impacts of this mitigation of fraud in this section because the baseline estimates used in the following sections are derived from the 2028–2030 estimates finalized in Table 28 of the Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2027; and Basic Health Program final rule (91 FR 29526).[42] These baseline estimates account for the decrease in future enrollment due to the expected decrease in the level of improper enrollments through additional eligibility verification standards as a result of the WFTC legislation.

a. Enrollment

We estimate that the proposed updates to the eligibility and verification process would result in a decrease in enrollment volume for all Exchanges. A large portion of this decrease in enrollment can be attributed to the decrease in improper enrollments we expect to occur because of additional eligibility verification standards. The 2028–2030 baseline enrollment estimates account for this decrease in enrollment due to WFTC legislation that is expected to reduce improper enrollments. Not accounted for in the baseline estimates is the expected decrease in enrollment due to the additional barriers to enrollment for properly enrolled consumers that will result from the additional eligibility verification standards proposed by this rule. This additional expected decrease in enrollment is discussed in this section.

The withholding of APTC during the inconsistency period and increased manual documentation verification would reduce the number of consumers who enroll in a QHP. Consumers whose information cannot be verified upon application submission will not be determined eligible for APTC/CSRs until the relevant information can be verified through the DMI process per proposed updates in section III.A.4.b. of this proposed rule. Therefore, consumers would have to make plan choices with less certainty about their APTC/CSRs and either enroll in a full-price QHP during the inconsistency period or select a plan that would be released to the issuer upon DMI resolution per proposed updates in section III.A.8.b. of this proposed rule.

It is unlikely that many consumers would be able to afford to enroll in a full-price QHP while they complete the verification process, so the proposed updates in section IIIA.8.b. of this proposed rule may mitigate some enrollment decrease. Additionally, the proposed updates in sections III.A.4.c. and III.A.4.d. of this proposed rule that would allow for exceptions to withholding APTC during the inconsistency period would also mitigate some enrollment decrease. However, we estimate overall that fewer eligible consumers would be enrolled and those who are eventually enrolled through a pended plan selection following the DMI process would be enrolled for fewer months compared to current requirements and processes.

The requirements to provide or confirm eligibility verification information on an annual basis per proposed updates in sections III.A.4.b. and III.A.7. of this proposed rule would increase the amount of consumers who receive DMIs and must submit documentation to verify their information and therefore, would negatively impact eligible consumers' ability to enroll in a QHP due to the proposed requirement to withhold APTC/CSRs during inconsistency periods for DMIs related to the applicable enrollment information. Eligible consumers who are unable to complete the verification process will not be eligible to receive APTC or may also be ineligible to enroll in a QHP because they were unable to submit sufficient documentation. Consumers who remain eligible to enroll in a QHP are unlikely to be able to afford to enroll in a full-price QHP and may choose not to enroll. However, overall, we estimate that the increase in the number of consumers who must return on an annual basis combined with the increase in the number of consumers who will be required to submit documentation will decrease enrollment due to administrative barriers.

For Exchanges on the Federal platform, we estimate an annual decrease of approximately 237,500 enrollees (11,840,500 enrollees in baseline estimates − 11,603,000 enrollees in estimates that account for this proposed rule). For State Exchanges, we estimate an annual decrease of 95,000 enrollees (5,074,500 enrollees in baseline estimates − 4,979,500 enrollees in estimates that account for this proposed rule). Together, 332,500 fewer individuals in all Exchanges (237,500 enrollees for Exchanges on the Federal Platform + 95,000 enrollees for State Exchanges) would enroll in QHP coverage per year as a result of the proposed updates to the previously mentioned regulations. These estimates are made in comparison to the enrollment projections presented in the Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2027; and Basic Health Program final rule (91 FR 29526),[43] which accounts for a decrease in 2028 enrollment due to the expected impact of the WFTC legislation which is expected to reduce the level of improper enrollments through additional eligibility verification standards.

b. APTC

We estimate that the proposed updates to the verification process would reduce the amount of APTC payments for all Exchanges. If this rule is finalized, assuming that individuals who do not maintain or enroll in coverage would otherwise be subsidized QHP enrollees, we expect savings to the Federal Government in the form of reduced APTC payments.

Additionally, withholding APTC during the inconsistency period would result in enrollees receiving APTC for fewer months compared to current rules, under which APTC is paid out during the inconsistency period.

Consumers who cannot receive APTC during their inconsistency period may either choose to enroll in a full-price QHP during that time or may choose to select a plan where they would only be enrolled in such plan once they are deemed eligible for APTC per proposed updates in section III.A.8.b. of this proposed rule. For consumers who choose to pend their plan selection until their information is verified, APTC will be provided either on the 1st of the current month or 1st of the next month depending on when the information is verified per proposed effective dates in sections III.A.9.b. and III.A.10. of this proposed rule. Therefore, we estimate these consumers would receive APTC for 1.5 fewer months on average, because they may receive APTC later in the plan year than would currently be provided. Alternatively, a consumer who enrolls in a full-price QHP during

[42] Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2027, 91 FR 29,526, 29,856 (May 20, 2026) (to be codified at 45 CFR pts. 153, 155, 156) (Table 28).

[43] Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2027, 91 FR 29526, 29856 (May 20, 2026) (to be codified at 45 CFR parts 153, 155, 156) (Table 28).

their inconsistency period may receive APTC retroactively to their coverage start date per proposed updates in section III.A.4.b.iv. of this proposed rule, but if the Exchange cannot verify the information back to that date, then the consumer would only receive APTC starting the month that the information was verified. Therefore, we estimate these consumers would also receive APTC for 1.5 fewer months on average than they would have with current requirements to provide APTC during the inconsistency period.

The effect of the projected enrollment decrease is calculated by multiplying the 12 months of coverage those enrollees will not receive and by the average monthly APTC amount of $655. For Exchanges on the Federal platform APTC expenditures are expected to decrease by $1.9 billion annually beginning in PY 2028 (237,500 fewer enrollees × 12 months × $655 APTC per month per enrollee). In total, across all 22 State Exchanges, APTC expenditures are estimated to decrease by $747 million annually beginning in PY 2028 (95,000 fewer enrollees × 12 months × $655 APTC per month per enrollee). Across all Exchanges, APTC expenditures would decrease by $2.6 billion annually beginning in PY 2028 ($1.9 billion for Exchanges on the Federal Platform + $0.7 billion for State Exchanges).

We expect that APTC would be paid out for an average of 1.5 months less for consumers who generate a DMI and go on to verify their information and enroll in coverage with financial assistance. For Exchanges on the Federal platform, we estimate the amount of APTC paid will decrease by $3.5 billion annually, beginning with PY 2028 (3.5 million enrollees × 1.5 months × $655 APTC). In total, across all 22 State Exchanges, we estimate the amount of APTC paid will decrease by $1.5 billion annually, beginning with PY 2028 (1.5 million enrollees × 1.5 months × $655 APTC). Across all Exchanges, APTC expenditures would decrease by $5 billion annually, beginning with PY 2028 ($3.5 billion for Exchanges on the Federal Platform + $1.5 billion for State Exchanges).

Due to the expected enrollment decrease as well as enrollment being expected for less months because APTC would be withheld during the inconsistency period would result in APTC expenditures decreasing across all Exchanges by $7.6 billion ($5.4 billion for Exchanges on the Federal Platform + $2.2 billion for State Exchanges).

c. Revealed-Preference Valuation of Interrupted Coverage

Some consumers who are unable to or need extra time to complete requirements to verify their eligibility for APTC may choose not to enroll in coverage without APTC, because they would have to pay the full price of an unsubsidized QHP. These consumers' decisions provide a revealed-preference basis for valuing the coverage they would opt out of in this situation.

TABLE 4—REVEALED-PREFERENCE VALUATION CALCULATIONS

Affected population	Coverage interruption	Subsidized premium (lower bound) (millions)	Full-premium (upper bound) (millions)	Forgone APTC (millions)	Midpoint (millions)	Gross net benefit (millions)
Consumers who do not enroll due to verification requirements.	12 months	$359.10	$2,972.55	$2,613.45	$1,665.83	$1,306.73
Consumers who do not enroll during the verification period.	1.5 months	688.18	5,696.60	5,008.42	3,192.39	2,504.21
Total	.....	1,047.28	8,669.15	7,621.87	4,858.22	3,810.94

The true value of health coverage to the consumer who would pay for coverage at the subsidized price and also decides not to pay full price for an unsubsidized QHP is somewhere between the price the consumer would pay for the subsidized plan (lower bound) and the price for the unsubsidized plan (upper bound). The bounds do not assume that the true value is the same for every consumer, but that it would be distributed symmetrically within the range among consumers. To capture what this value could be for purposes of this analysis, in Table 4 we estimate the midpoint of this range (reflecting an assumption of symmetric distribution within the bounds) to be the true value of health coverage. We estimate that 332,500 consumers would not enroll for 12 months due to not being able to complete the verification requirements. Another estimated 5,097,630 consumers would not enroll during an average of 1.5 months while they complete the verification process; however, because premiums reflect relatively long-run equilibrium conditions, they do not necessarily represent revealed preference that can reasonably applied in the context of short-run disruptions, thus introducing uncertainty into this aspect of the quantification. The resulting calculations are shown above in millions of 2026 dollars. With the proposed verification requirements in effect in 2028, an annual gross net benefit of $3.81 billion results from interrupted coverage, equal to one-half of the $7.62 billion in forgone APTC associated with consumers who do not enroll. The revealed bounds are supported by observed enrollment choices; the midpoint and resulting point estimates additionally depend on the symmetric-distribution assumption, meaning that consumer valuations are distributed symmetrically around the midpoint. This estimate represents a benefit, from a society-wide perspective, to the extent that consumers experience outcomes (including health, longevity, and spending on medical services) affected by their status as enrolled or unenrolled in health insurance.

By contrast, if our analysis were to focus on an alternative scenario where medical services are available without consumer payment, this proposed rule would bring about a subsidy change that is less than what is estimated above, with some portion of it instead being a shift in the type of subsidy—specifically, from APTC to charity/uncompensated care or other such forms. Because this shift portion of the overall total is a transfer of value within society, rather than a benefit, the quantitative result would be framed as a benefits upper bound specifically for that substitution effect, reflecting the other caveats described in this subsection as separate sources of uncertainty in the estimate.

We request comment on these societal effects of the proposed rule.

d. Premiums

We are of the view that applicants who choose not to enroll due to

verification-related barriers are likely to be younger and healthier than those remaining in the risk pool, leading to higher overall premiums on a per member per month (PMPM) basis.

The proposed updates would result in more eligible enrollees being required to complete the manual verification process. Younger and healthier consumers are less incentivized to complete this process since they have lower perceived need for healthcare and would opt out when faced with administrative barriers. We expect that 332,500 consumers across all Exchanges are likely to opt out of enrollment due to administrative barriers associated with the verification process.

We have estimated a 0.4 percent increase in premiums assuming 332,500 enrollees leave the market. These premium impact estimates assume the 332,500 exiting enrollees have average claims expenses that are 80 percent of the average claims experience for the overall risk pool. If the average claims PMPM is 86 percent of the premium PMPM ($0.86 \times \$838.48 = \$721.09$), we estimate the 332,500 exiting enrollees have claims costs of $576.87 PMPM ($0.8 \times \$721.09 = 576.87$), and the remaining 16.583 million enrollees have an average claims cost of $723.98 ($332{,}500/16{,}915{,}000 \times \$576.87 + 16{,}582{,}500/16{,}915{,}000 \times \$723.98 = 721.09$). Comparing the new claims PMPM of $723.98 to the prior claims PMPM of $721.09 shows a 0.4 percent increase in average claims ($723.98/721.09 - 1 = 0.004$).

We anticipate the provisions in this proposed rule could reduce enrollment and APTC while increasing premiums each year beginning in 2028. We note that variables impacting enrollment, premiums, and APTC have changed over time and may continue to fluctuate. When considering the overall impact of this proposed rule, if all provisions are finalized as proposed, we also recognize that the degree of impact from the individual provisions working in concert with each other may vary more than what we estimate due to the inherent uncertainty in predicting enrollment trends. Therefore, it is possible that the overall impact of this proposed rule could be outside of the estimates provided in this section. We seek comment on the expected effects of this proposed rule on total enrollment. Likewise, we request comments on potential secondary effects of this proposed rule. These could, for example, include effects on premiums, burdens on the healthcare system, and effects on Federal spending due to shifts from individual market coverage to Medicaid coverage or uncompensated care. Finally, we request comment on any effects that this proposed rule might have on labor productivity.

D. Accounting Statement and Table

As required by OMB Circular A–4 (available at *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf*), we have prepared an accounting statement in Table 5 showing the classification of the impact associated with the provisions of this proposed rule.

This proposed rule implements provisions related to Exchange eligibility and verification consistent with new requirements specified under the WFTC legislation, as well as updates and clarifications to provisions affecting inconsistency periods, reported modifications to eligibility criteria, verification procedures, and eligibility redeterminations. We are unable to quantify all the benefits and costs of this proposed rule. The effects in Table 5 reflect qualitative assessment of impacts and estimated direct monetary costs and transfers resulting from the provisions of this proposed rule for Exchanges, health insurance issuers and consumers.

TABLE 5—ACCOUNTING TABLE

Benefits:	Estimate [44] (million)	Year dollar	Discount rate (percent)	Period covered
Annualized Monetized ($/year)	$2,130.47	2026	7	2026–2030
	2,218.67	2026	3	2026–2030

Quantitative:

- Annual gross net benefit of $3.81 billion results from interrupted coverage equal to one-half of forgone APTC associated with consumers who do not enroll

Qualitative:

- Decrease in rates of fraudulent enrollment
- Increased accuracy of APTC payments by aligning subsidy determinations more closely with a consumer's projected eligibility criteria on at least an annual basis and mitigating risk that individuals receive APTC or CSRs for which they are no longer eligible

Costs:	Estimate (million)	Year dollar	Discount rate (percent)	Period covered
Annualized Monetized ($/year)	240.20	2026	7	2026–2030
	241.95	2026	3	2026–2030

Quantitative:

- One-time costs between 2026–2027 to Exchanges on the Federal platform of $2,970,600 and across all State Exchanges of $65,353,200 to update eligibility and enrollment systems to align with proposed requirements related to the inconsistency period
- Recurring costs to Exchanges on the Federal platform of $930,000 and across all State Exchanges of $20,460,000 per year to generate a new Eligibility Determination Notice (EDN), beginning in 2027
- One-time costs in 2027 to Exchanges on the Federal platform of $462,150 and across all State Exchanges of $10,167,300 to update noticing procedures to provide APTC-eligible consumers who complete the pre-OE verification process with notice of amounts of APTC once plan data becomes available
- One-time costs between 2026–2027 for Exchanges on the Federal platform of $2,178,440 and across all State Exchanges of $47,925,680 to update annual eligibility redetermination and re-enrollment logic
- Recurring information collection costs for all consumers of $72,556,353 per year for the additional data collection beginning with the pre-OE verification period, beginning in 2027
- Recurring costs to consumers using Exchanges on the Federal platform of $32,995,975 per year to submit documentation for additional data matching issues (DMIs), beginning in 2027
- Recurring costs to Exchanges on the Federal platform of $109,409,783 per year to generate and process additional DMIs, beginning in 2027

TABLE 5—ACCOUNTING TABLE—Continued

- Recurring costs to Exchanges on the Federal platform of $9,142,423 per year to submit additional verification requests to the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE), Social Security Administration (SSA) and Current Sources of Income (CSI) Hub service, beginning in 2027
- One-time costs in 2027 to Exchanges on the Federal platform of $2,475,500 and across all State Exchanges of $54,461,000 to create new processes for consumers to select a pended plan
- One-time costs in 2027 to Exchanges on the Federal platform of $1,485,300 and across all State Exchanges of $32,676,600 to develop pre-OE verification processes
- Recurring costs to consumers who utilize the pre-OE verification process of $1,767,425 to provide information during the pre-OE period and then return to Exchanges to provide additional information, select a plan, or report a change, beginning in 2027
- Annual recurring costs of $299,867 to Exchanges on the Federal platform to mail additional eligibility determination notices sent during the pre-OE verification period, beginning in 2027
- Regulatory review costs of $5,634,207 for interested parties to review and analyze this regulation in 2026

Qualitative:

- Recurring burden on consumers to make additional visits to Exchanges to shop for a plan if they take advantage of the pre-OE verification period
- Potential for delay in enrollees' access to medical care due to requirement to resolve DMIs prior to receiving APTC or coverage gaps for consumers who fail to complete verification requirements, and potential downstream negative impacts to the risk pool due to deferred care and lower motivation among healthy and younger individuals to complete the required administrative steps
- Increased verification-related barriers to enrollment, leading to a decrease in enrollment across all exchanges
- Greater burdens on the health care system due to lower rates of insurance and subsequent strain on emergency departments
- Increased seasonal staffing for Exchanges on the Federal platform and across all State Exchanges due to increased verification requirements
- Increased staffing for agents, brokers, and web-brokers to adjust to the change in timing of Exchange activities in anticipation of the subsequent coverage year
- One-time cost to issuers to update operations to change deadlines for first month's premium and other binder payment collection scenarios, including collecting more than one month's premium
- One-time cost to issuers to update notices to consumers
- One-time cost to Exchanges to develop pre-OE verification processes
- Annual costs to issuers for maintenance of pre-OE verification process websites
- Annual costs to Exchanges on the Federal platform and all State Exchanges for maintenance of pre-OE verification process websites
- Recurring advertising costs to Exchanges on the Federal platform and all State Exchanges to advertise pre-OE verification period.

Transfers:	Estimate (million)	Year dollar	Discount rate (percent)	Period covered
Annualized Monetized ($/year)	−4,256.40	2026	7	2026–2030
	−4,432.61	2026	3	2026–2030

Quantitative:

- Annual decrease in enrollment on Exchanges on the Federal platform of 237,500 enrollees and all State Exchanges of 95,000 enrollees
- Annual decrease in APTC spending of $7.6 billion starting in 2028 due to fewer consumers receiving APTC due to decreased enrollment as well as enrollment for fewer months for consumers who generate DMIs
- Annual increase in average premiums of 0.4% or $2.89 PMPM starting in 2028 due to younger and healthier individuals leaving the risk pool because of increased barriers to enrollment, beginning in 2028

Qualitative:

- Reduce the likelihood of excess APTC and associated tax liability at reconciliation for consumers

E. Regulatory Alternatives Considered

In developing the proposals contained in this rule, we considered a number of regulatory alternatives. The following discussion describes the alternatives we considered and explains why we did not adopt them.

1. Eligibility Redeterminations During the Plan Year (§ 155.315(f)(4)(iii))

In developing our proposal at § 155.315(f)(4)(iii) regarding the treatment of APTC when a mid-year change results in a DMI related to the applicable enrollment information, we considered several alternatives. First, in cases when an enrollee reports a change that would result in a decrease in APTC, such as an increase in income, we considered proposing to require Exchanges to maintain the enrollee's higher, previously verified APTC amount during their inconsistency period. However, we did not propose this approach because it could expose consumers to large excess APTC repayment obligations at tax time, a concern that is particularly acute following the WFTC legislation's elimination of repayment caps.

We also considered proposing to require Exchanges to provide the higher APTC amount during the inconsistency period while encouraging consumers to voluntarily select a lower APTC amount. We did not propose this alternative because we determined that this would create consumer confusion, impose additional burden on enrollees who would need to manually adjust their APTC, and still create a risk of significant repayment obligations if consumers do not understand the downstream tax implications of failing to reduce APTC.

Finally, we considered proposing to remove APTC entirely during inconsistency periods arising from mid-year changes. We did not propose this approach because it would render coverage unaffordable for many enrollees during the inconsistency period, potentially leading to mid-year losses of coverage. We also determined that this alternative could increase adverse selection, as individuals with greater health needs would be more likely to maintain enrollment in unsubsidized coverage during their inconsistency period. Finally, we determined that this alternative would have a chilling effect on consumers' willingness to report changes in their

[44] This may be an upper bound because consumers could have access to medical services that are available without consumer payment, like charity or uncompensated care, while not covered by an APTC-subsidized plan.

circumstances, undermining the ability of Exchanges to make accurate eligibility determinations.

2. Effective Dates (§§ 155.315(f)(4)(iv)(A)(*4*), 155.330(f), 155.410(f)(5), 155.420)

We considered not proposing the exception, at § 155.315(f)(4)(iv)(A)(*4*), to the rules at proposed § 155.315(f)(4)(iv)(A)(*1*) through (*3*), to prohibit payment of retroactive APTC in a prior coverage year upon DMI resolution. We chose to propose this exception because permitting cross-year retroactive APTC would create significant complications for tax administration, including the need for certain enrollees to file amended Federal income tax returns. Accordingly, we are proposing to limit retroactive APTC eligibility to the current coverage year only, which we have determined appropriately balances consumer access to financial assistance while minimizing tax administration burdens.

Regarding the effective dates related to eligibility redeterminations due to enrollee-reported changes proposed at § 155.330(f)(1), we considered proposing that Exchanges be required or permitted to make such redeterminations effective immediately. While this may have improved the timeliness of eligibility determinations, we reasoned that immediate, mid-month adjustment of APTC and CSRs would be more difficult for Exchanges and issuers to implement.

In considering our proposal to maintain the current effective date rules for eligibility redeterminations following the expiration of an inconsistency period or following periodic data matching that results in a decrease in APTC or the level of CSRs, we considered whether to instead to propose to require Exchanges always to implement such redeterminations on the first of the following month. However, we reasoned that there were compelling reasons to maintain the current policy, including ensuring that enrollees were provided sufficient notice of the upcoming changes to their eligibility. We also are of the view that maintaining the current policy is operationally less burdensome for Exchanges than updating the current rules.

Finally, when developing our proposals at §§ 155.410(f)(5) and 155.420 regarding effective dates for consumers who elect to pend their plan selections, we considered a number of alternatives. Specifically, we considered proposing to allow effective dates to extend retroactively back to the effective date that a consumer could have qualified for, absent their choice to pend their plan selection. However, we elected not to propose this alternative due to the risk of increased adverse selection, given that under this policy, consumers would be able to wait to decide whether to submit documents to resolve their DMI until they incurred medical bills and would be assured that their coverage would retroactively extend to cover such claims. We also considered whether section 36B(c)(5)(C) of the Code requires coverage effective dates retroactive to the effective date that a consumer would have qualified for, absent their choice to pend their plan selection. However, we read the Code to mean that months prior to verification must be treated as coverage months if they would otherwise be considered coverage months under the requirements prescribed in 36B(c) of the Code, including the requirement that an individual be enrolled in a QHP as of the first of the month.

We also considered proposing that plan selections become effective on the day that all DMIs are resolved. Like our proposal, this approach would balance the benefits of immediate coverage availability with the harms imposed by requiring consumers to pay premiums for past periods of coverage and would limit risks of adverse selection. However, we chose not to propose this alternative because we have determined that requiring mid-month effective dates would be administratively challenging for issuers and Exchanges.

3. Notice of Annual Open Enrollment Period

We considered proposing to add a new, separate notification requirement for the pre-OE period for all Exchanges rather than modifying the existing notice of annual OEP requirement. As described in section III.A.9.a. of this proposed rule, we determined it was preferable to permit Exchanges to send the notice of annual OE earlier than currently allowed to support Exchanges in determining the best communication strategy for their enrollees. A new notification requirement separate from the notice of annual OE would presuppose the optimal strategy for Exchanges with unique communications infrastructure and operational capabilities. Instead, this proposed amendment to the regulation would enable Exchanges to send the notice of annual OE earlier, with information about the pre-OE verification period, if they determine that approach is appropriate for their enrollee population, or to notify enrollees through a separate mechanism if they prefer.

4. Annual Pre-Open Enrollment Verification Period (§ 155.410(h))

In developing our proposal at § 155.410(h) regarding the pre-OE verification period, we considered expanding the information that Exchanges would be required to permit applicants and enrollees to provide and verify during the pre-OE period beyond the minimum specified in the statute. Specifically, we considered requiring Exchanges to additionally provide a process for applicants to provide information regarding their eligibility for or enrollment in other MEC, in addition to the household income and other information required under section 71303(b) of the WFTC legislation. We decided, however, that it would be preferable to provide flexibility for Exchanges to collect additional information while establishing a minimum standard that does not exceed the statutory requirement. Accordingly, our proposal at § 155.410(h)(2)(i) sets forth the minimum information specified in the statute, while § 155.410(h)(2)(ii) specifies that Exchanges retain the flexibility to collect additional information during the pre-OE period if they choose to do so.

We also considered proposing detailed operational guidelines for the pre-OE period in rulemaking, including notice requirements and a requirement for Exchanges to provide a streamlined electronic re-enrollment form for existing enrollees seeking to confirm information for the upcoming coverage year. We decided not to adopt this approach to prioritize operational flexibility for Exchanges, enabling them to build a pre-OE process in a manner that is most efficient given their existing systems and processes. We are of the view that this approach reduces the risk of noncompliance, given the short timeframe for implementation. Finally, we have determined that this approach would enable Exchanges to enhance their implementation of the pre-OE process over time as they gain operational experience.

F. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. The RFA generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA), (2) a not-for-profit organization that is not dominant in its field, or (3) a small government jurisdiction with a population of less than 50,000. States

and individuals are not included in the definition of ''small entity.''

For purposes of the RFA, we are of the view that health insurance issuers and group health plans would be classified under the North American Industry Classification System (NAICS) code 524114 (Direct Health and Medical Insurance Carriers) or possibly be classified in 621491 (HMO Medical Centers). Based on latest available Statistics of U.S. Businesses (SUSB) data, 1,071 and 146 total firms fall under NAIC codes 524114 and 621491, respectively.[45] According to SBA size standards, entities with average annual receipts of $47 million or less would be considered small entities for NAICS code 524114 and $44.5 million or less for NAICS code 621491.[46] SUSB data confirms there are no small firms within NAIC code 621491. We are of the view that few, if any, insurance companies underwriting comprehensive health insurance policies (in contrast, for example, to travel insurance policies or dental discount policies) would fall below these size thresholds. Based on data from MLR annual report submissions for the 2025 MLR reporting year, approximately 102 out of 470 issuers of health insurance coverage nationwide had total premium revenue of $47 million or less. We estimate that approximately 89 percent of these small issuers belong to larger holding groups based on the MLR data, and many, if not all, of these small companies are likely to have non-health lines of business that result in their revenues exceeding $47 million. Therefore, we assume approximately 11 percent, or 11, of the 102 are in fact small issuers for purposes of this analysis. We seek comment on these estimates.

We anticipate that small issuers could be impacted by the provisions in this proposed rule. For example, under proposed revisions to § 155.315(f)(4)(iv), Exchanges would be required to ensure both retroactive and prospective coverage effective dates, as applicable, based on the timing of DMI resolution. This may impact current enrollment operations for small issuers.

We are unable to quantify the direct impact of these changes on small issuers due to uncertainty regarding their market share, market participation, membership in larger holding groups, enrollment and risk mix, and premium receipts, but we discuss possible indirect impacts on small issuers. A reduction in APTC payments means the consumers would be responsible for the balance of the premium not covered by APTC, not the issuers. However, we expect that many of the consumers who would be responsible for these balances are unlikely to be able to afford a QHP without APTC and that this group would exit the Exchanges rather than pay premiums not covered by APTC. We also anticipate that due to the small reduction in enrollment anticipated to result from the policies in this proposed rule, issuers may experience a reduction in premium revenue. However, we anticipate this could be balanced by a reduction in claims experience, and we are unable to quantify this indirect impact on small issuers due to uncertainty and a lack of data. For more information about the proposed overall impacts on enrollment, APTC, and premiums that minimize the overlap of individuals who may be affected by multiple provisions in this proposed rule, please see section VI.C.6. Additionally, we have determined that the following provisions could impact smaller agent, broker, and web-broker firms. We have determined that small agents, brokers, and web-brokers will be classified under NAICS code 524210 (Insurance Agencies and Brokerages) that have annual receipts of $15 million or less. According to SBA size standards, there are 120,434 firms in the Insurance Agencies and Brokerages Industry, of which 119,114 or approximately 99 percent, had annual receipts below the $15 million size standard.[47] In addition, the 2023 Nonemployer Statistics (NES) from the Census Bureau[48] indicate there are an additional 305,281 nonemployer firms within the 524210 NAICS code, and the Departments anticipate that the vast majority of these nonemployer firms had annual receipts below the $15 million size standard. Nearly all agents, brokers, and web-brokers affected by this proposed rule would therefore be small entities.

The proposed changes to annual eligibility redetermination and re-enrollment (§ 155.335) described in section III.A.7. of this proposed rule would require consumers who were previously automatically re-enrolled in a plan with APTC and CSRs to return to the Exchange and confirm certain eligibility information prior to receiving APTC or CSRs for the following plan year. This may change the current business model of agents, brokers, and web-brokers that currently do not engage a subset of their clients annually who are relying on automatic re-enrollment with APTC and CSRs. We expect agents, brokers, and web-brokers may experience increased consumer outreach efforts and interactions as they will likely need to communicate with more clients more frequently to verify and confirm their eligibility information to enroll them in a QHP with APTC or CSRs.

The proposed changes to the annual pre-OE verification period (§ 155.410) as described in section III.A.9.c. of this proposed rule would create a requirement for Exchanges to provide a verification period beginning August 1 of each year preceding the plan year, allowing consumers to update or provide information for verification for the upcoming plan year. Agents, brokers, and web-brokers assisted 76 percent of Exchange enrollments in PY 2026. The proposed amendments may change how agents, brokers, and web-brokers interact with their clients on an annual basis, potentially resulting in more frequent communications with their clients (for example, once during the pre-OE period and again during the OEP to select a plan for enrollment).

We seek comment on these proposed assumptions and impacts on small entities.

For regulatory alternatives considered regarding the provisions in this proposed rule, please see section VI.E. of this proposed rule.

In addition, section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Social Security Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. While this proposed rule is not subject to section 1102 of the Social Security Act, we have determined that this rule would not affect small rural hospitals. Therefore, we anticipate this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

G. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA)

[45] United States Census Bureau. (April 2025). 2022 SUSB Annual Data Tables by Establishment Industry. *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html.*

[46] SBA. (n.d.). Table of size standards. *https://www.sba.gov/document/support--table-size-standards.*

[47] U.S. Census Bureau (April 2025). 2022 SUSB Annual Data Tables by Establishment Industry, Data by Enterprise Receipts Size. *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html.*

[48] U.S. Census Bureau (May 15, 2025). NES Tables 2023. *https://www.census.gov/programs-surveys/nonemployer-statistics/data/tables.html.*

also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2026, that threshold is approximately $193 million. Although we have not been able to quantify all costs, we expect that this proposed rule would not impose a mandate that would result in the expenditure by State, local, and Tribal Governments, in the aggregate, or by the private sector, of more than $193 million in any 1 year.

H. Federalism

In compliance with the requirement of Executive Order 13132 that agencies examine closely any policies that may have Federalism implications or limit the policy making discretion of the States, we have engaged in efforts to consult with and work cooperatively with affected States, including participating in conference calls with and attending conferences of the NAIC, State Exchanges, and consulting with State insurance officials on an individual basis.

While developing this proposed rule, we attempted to balance the States' interest in administering their Exchanges with HHS' interest in ensuring that the statutory requirements of the WFTC legislation and the Affordable Care Act are implemented in ways that promote clarity, consistency, and market stability. By doing so, we complied with the requirements of Executive Order 13132.

Because States have flexibility in designing their Exchanges and Exchange-related programs, State decisions will ultimately influence both administrative expenses and overall premiums. States are not required to establish an Exchange. For States that elected previously to operate an Exchange, those States had the opportunity to use funds under Exchange Planning and Establishment Grants to fund the development of their programs. Accordingly, some of the initial cost of creating programs was funded by Exchange Planning and Establishment Grants. After establishment, Exchanges must be financially self-sustaining, with revenue sources at the discretion of the State. Current State Exchanges charge user fees to issuers.

In our view, this regulation has Federalism implications due to system and operational costs that State Exchanges will incur to implement the proposals in this rule. States will incur costs, including one-time implementation costs and ongoing operational costs, related to the proposals described in section IV.B. regarding DMIs, the proposals described in section IV.C. of this proposed rule regarding annual eligibility redeterminations, the proposals described in section IV.D. of this proposed rule allowing consumers to pend plan selections during an inconsistency period, and the proposals described in section IV.E. of this proposed rule requiring Exchanges to establish a pre-OE verification period. However, these federalism implications are mitigated in part by the fact that certain provisions, such as the proposal at § 155.315(f)(4)(ii) to no longer allow APTC or CSRs during certain inconsistency periods, are statutorily required under section 71303 of the WFTC legislation. These federalism implications are further mitigated by HHS' interest in promoting clear and consistent rules for the implementation of new statutory requirements. Finally, these federalism implications are mitigated by HHS' deference to State Exchanges regarding many aspects of the implementation of the proposals in this rule, including timing and methods for communicating with consumers, methods for collecting required information from consumers, and overall user experience and design.

I. E.O. 14192, ''Unleashing Prosperity Through Deregulation''

Executive Order 14192, entitled ''Unleashing Prosperity Through Deregulation'' was issued on January 31, 2025, and requires that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.'' This proposed rule, if finalized as proposed, is expected to be exempt from otherwise-applicable requirements under E.O. 14192, per footnote 1 of OMB's Accounting Methods.[49]

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on October 13, 2026.

List of Subjects in 45 CFR Part 155

Administrative practice and procedure, Advertising, Aged, Brokers, Citizenship and naturalization, Civil rights, Conflicts of Interests, Consumer protection, Grant programs-health, Grants administration, Health care, Health insurance, Health maintenance organizations (HMO), Health records, Hospitals, Indians, Individuals with disabilities, Intergovernmental relations, Loan programs-health, Medicaid, Organization and functions (Government agencies), Public assistance programs, Reporting and record keeping requirements, Sex discrimination, State and local governments, Taxes, Technical assistance, Women, Youth.

For the reasons set forth in the preamble, the Department of Health and Human Services proposes to amend 45 CFR subtitle A, subchapter B, as set forth below:

PART 155—EXCHANGE ESTABLISHMENT STANDARDS AND OTHER RELATED STANDARDS UNDER THE AFFORDABLE CARE ACT

■ 1. The authority citation for part 155 continues to read as follows:

Authority: 42 U.S.C. 18021–18024, 18031–18033, 18041–18042, 18051, 18054, 18071, and 18081–18083.

■ 2. Section 155.106 is amended by revising paragraph (a)(2) introductory text to read as follows:

§ 155.106 Election to Operate an Exchange after 2014.

(a) * * *

(2) Submit an Exchange Blueprint application for HHS approval at least 15 months prior to the date on which the Exchange proposes to begin Pre-Open Enrollment Verification Period operations as an Exchange.

* * * * *

■ 3. Section 155.300 is amended by revising paragraph (c)(2) to read as follows:

§ 155.300 Definitions and general standards for eligibility determinations.

* * * * *

(c) * * *

(2) The attestations specified in §§ 155.310(d)(2)(ii) and 155.315(f)(4)(vi) must be provided by the tax filer.

* * * * *

■ 4. Section 155.310 is amended by revising paragraphs (f)(1) and (2) to read as follows:

§ 155.310 Eligibility Process.

* * * * *

(f) * * *

(1) For an initial eligibility determination, in accordance with the dates specified in §§ 155.315(f)(4)(iv), 155.410(c) and (f), and 155.420(b), as applicable,

(2) For a redetermination, in accordance with the dates specified in §§ 155.330(f) and 155.335(b), as applicable.

* * * * *

[49] See Accounting Methods under Executive Order 14192. *https://www.reginfo.gov/public/pdf/eo14192/Accounting_Methods_under_EO_14192.pdf.*

■ 5. Section 155.315 is amended by—
■ a. Revising paragraphs (f)(4)(i) and (ii); and
■ b. Adding paragraphs (f)(4)(iii) through (vi).

The revisions and additions read as follows:

§ 155.315 Verification process related to eligibility for enrollment in a QHP through the Exchange.

* * * * *

(f) * * *

(4) * * *

(i) Provide eligibility for enrollment in a QHP to the extent that an applicant is qualified;

(ii) For applicants with inconsistencies related to citizenship, status as a national, or lawful presence as described in § 155.315(c)(3); residency as described in § 155.315(d)(4); eligibility for minimum essential coverage other than through an eligible employer-sponsored plan as described in § 155.320(b); household income, family size, and eligible noncitizen status as described in § 155.320(c)(3); or enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan as described in § 155.320(d), ensure that advance payments of the premium tax credit and cost-sharing reductions as described in § 155.305 are not provided on behalf of an applicant, until such information is verified in accordance with § 155.315(f)(4)(iv). However, if a member of the applicant's tax household is determined eligible for a special enrollment period as specified in § 155.420(d)(2), an Exchange must instead ensure that advance payments of the premium tax credit and cost-sharing reductions, as applicable, are provided on behalf of the applicant based on information attested on the application for coverage to the extent they are otherwise qualified for such payments and reductions, as described in § 155.305.

(iii) For an applicant for whom an eligibility redetermination under § 155.330(e)(1) results in one or more inconsistencies described in paragraph (f)(4)(ii) of this section for a plan year; for whom the Exchange verified, under §§ 155.315 and 155.320, the information related to such inconsistency during the immediately preceding eligibility determination for the same plan year; and who otherwise is eligible for advance payments of the premium tax credit or cost-sharing reductions, as described in § 155.305:

(A) Ensure that advance payments of the premium tax credit and cost-sharing reductions, as applicable, are provided on behalf of the applicant within this period in an amount determined by the information related to such inconsistency verified during the immediately preceding eligibility determination for the same plan year, when the applicant's eligibility redetermination under § 155.330(e)(1) results in the amount of advance payments of the premium tax credit being greater than or equal to the amount provided under the immediately preceding eligibility determination for the plan year. However, if such an applicant is eligible to enroll during a special enrollment period as specified in § 155.420(d)(2), an Exchange must instead ensure that advance payments of the premium tax credit and cost-sharing reductions, as applicable, are provided on behalf of the applicant based on information attested on the application for coverage to the extent they are otherwise qualified for such payments and reductions, as described in § 155.305.

(B) Ensure that advance payments of the premium tax credit and cost-sharing reductions, as applicable, are provided on behalf of the applicant within this period in an amount determined by the attestation associated with applicant's eligibility redetermination under § 155.330(e)(1) when the applicant's eligibility redetermination under § 155.330(e)(1) results in the amount of advance payments of the premium tax credit being less than the amount provided under the immediately preceding eligibility determination for the plan year and notify the applicant of such determination in accordance with the notice requirements specified in § 155.310(g).

(iv) For applicants described in paragraphs (f)(4)(ii) and (f)(4)(iii)(A) of this section for whom the Exchange verifies all information related to such inconsistencies, the Exchange must determine the applicant's eligibility for advance payments of the premium tax credit and cost-sharing reductions, as applicable, based on the verified information and notify the applicant of such determination in accordance with the notice requirements specified in § 155.310(g).

(A) For applicants who are enrolled in a QHP when attestations related to all such inconsistencies are verified, the Exchange must ensure that determinations of eligibility for advance payments of the premium tax credit and cost-sharing reductions, as applicable, take effect on the first day of the first month in which the criteria in paragraphs (f)(4)(iv)(A)(1) through (3) are met, subject to the exception in paragraph (f)(4)(iv)(A)(4):

(1) All information related to the applicant's inconsistencies, as specified in paragraph (f)(4)(ii), are verified for such month;

(2) The enrollee is enrolled in a QHP on the first day of such month; and

(3) The inconsistency described in paragraphs (f)(4)(ii) or (f)(4)(iii)(A) of this section was generated before the first of such month.

(4) If the first day of the month in which the criteria in paragraphs f)(4)(iv)(A)(1) through (3) of this section are met is in the prior coverage year, the Exchange must not determine or redetermine the enrollee's eligibility for advance payments of the premium tax credit for the months in such prior year.

(B) For applicants who elect to enroll in a QHP only upon successful verification of information related to all such inconsistences described in paragraph (f)(4)(ii) of this section, as described in § 155.400(i)(2), the Exchange must ensure that advance payments of the premium tax credit and cost-sharing reductions, as applicable, take effect as follows—

(1) In accordance with the effective dates specified in § 155.410(f)(5), if the applicant selected a QHP during the annual open enrollment period.

(2) In accordance with the effective dates specified in § 155.420(b)(6), if the applicant selected a QHP during a special enrollment period.

(v) For applicants with inconsistencies only related to information not specified in paragraph (f)(4)(ii) of this section, ensure that advance payments of the premium tax credit and cost-sharing reductions, as applicable, are provided on behalf of the applicant within the period in paragraph (f)(2)(ii) of this section based on attestation to the extent they are otherwise qualified for such payments and reductions, as described in § 155.305.

(vi) In all cases, ensure that advance payments of the premium tax credit and cost-sharing reductions are provided on behalf of an applicant under paragraph (f)(4) of this section only if the tax filer attests to the Exchange that he or she understands that any advance payments of the premium tax credit paid on his or her behalf are subject to reconciliation.

(5) If, after the period described in paragraph (f)(2)(ii) of this section, the Exchange remains unable to verify the attestation, the Exchange must determine the applicant's eligibility based on the information available from the data sources specified in this subpart and implement such determination in accordance with the effective dates specified in § 155.330(f)(3), unless such applicant

qualifies for the exception provided under paragraph (g) of this section, and notify the applicant of such determination in accordance with the notice requirements specified in § 155.310(g), including notice that the Exchange is unable to verify the attestation.

* * * * *

■ 6. Section 155.330 is amended by revising paragraph (f) to read as follows:

§ 155.330 Eligibility redetermination during a benefit year.

* * * * *

(f) *Effective dates.* (1) *Enrollee-reported changes.* If, in accordance with paragraph (e)(1) of this section, the Exchange redetermines an enrollee's eligibility because the enrollee has provided updated information to the Exchange, the Exchange must implement such redetermination on the first of the month following the eligibility redetermination.

(i) *Exception.* If the Exchange also determines that such enrollee qualifies for an SEP described in § 155.420(b)(2)(i) or (iii), the Exchange must implement the enrollee's eligibility redetermination on the coverage effective date described in § 155.420(b) (2)(i) or (iii), respectively.

(ii) Reserved

(2) *Redetermination following resolution of Inconsistencies.* If an enrollee has an inconsistency described in § 155.315(f)(4)(ii) or § 155.315(f)(4)(iii)(A), and the enrollee verifies the information related to such inconsistency, the Exchange must redetermine eligibility for advance payments of the premium tax credit or cost-sharing reductions, as applicable, in accordance with the effective dates specified in § 155.315(f)(4)(iv)(A).

(3) *Redetermination following expiration of an inconsistency period or data matching.* In the case that the Exchange redetermines an enrollee's eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, following the expiration of an inconsistency period in accordance with the procedures in § 155.315(f)(5), or following the data matching processes described in § 155.330(e)(2)(i)(D) or § 155.330(e)(2)(iii), because applicable information could not be verified—

(i) If the redetermination results in a decreased amount of APTC or a decreased level of CSRs:

(A) And if the Exchange redetermines eligibility on or before the 15th of the month, the Exchange must implement the redetermination on the first of the next month.

(B) And if the Exchange redetermines eligibility after the 15th of the month, the Exchange must implement the redetermination on the first of the month following the next month.

(ii) If the redetermination results the same or an increased amount of APTC or the same or an increased level of CSRs, the Exchange must implement the redetermination on the first of the month following the eligibility redetermination.

(4) *Appeals.* In the case that the Exchange redetermines an enrollee's eligibility due to an appeal decision, the Exchange must implement such redetermination on the date specified in the appeal decision.

* * * * *

■ 7. Section 155.335 is amended by—

■ a. Revising the section heading, and paragraphs (a) and (b);

■ b. Removing paragraphs (d) through (i);

■ c. Redesignating paragraph (j) as new paragraph (d); and

■ d. Removing paragraphs (k) through (n).

The revisions read as follows:

§ 155.335 Annual eligibility redetermination and re-enrollment.

(a) *Annual eligibility redetermination.* The Exchange must redetermine the eligibility of an enrollee for enrollment in a QHP and for APTC and CSRs, as applicable, on an annual basis in accordance with § 155.305 and notify the enrollee in accordance with requirements specified in § 155.310(g) of this part.

(1) An Exchange must not redetermine an enrollee eligible for APTC and CSRs for a subsequent benefit year unless—

(i) The enrollee or the enrollee's application filer provides or confirms the following information for the subsequent benefit year on or after August 1 and no later than December 31 of the year preceding the benefit year:

(A) Household income and family size, per § 155.305(f)(1)(i);

(B) U.S. citizenship, status as a U.S. national, or status as a lawfully present eligible noncitizen, per § 155.305(f)(1)(ii)(C), as applicable;

(C) Eligibility for or enrollment in other minimum essential coverage, per § 155.305(f)(1)(ii)(B); and

(D) Place of residence, per § 155.305(a)(3); and

(ii) The Exchange verifies the information in paragraph (a)(1)(i) of this section using the processes specified in §§ 155.315 and 155.320, including the relevant provisions in those sections regarding inconsistencies.

(2) Reserved

(b) *Effective date.* The redetermination of eligibility for enrollment in a QHP and for APTC and CSRs, as applicable, under paragraph (a) of this section must be effective on the first day of the applicable benefit year.

(1) *Exception.* In instances where an enrollee has an unresolved inconsistency under § 155.315(f)(4)(ii) as of December 31 of the year preceding the benefit year and for whom APTC and CSRs are not provided during the inconsistency period, the annual redetermination for APTC and CSRs is effective in accordance with §§ 155.315(f)(4)(iv)(A) or 155.330(f)(3), as applicable.

(2) Reserved

* * * * *

■ 8. Section 155.400 is amended by—

■ a. Revising paragraphs (e)(1); and

■ b. Adding paragraph (i).

The revision and addition read as follows:

§ 155.400 Enrollment of qualified individuals into QHPs.

* * * * *

(e) * * *

(1) In a Federally-facilitated Exchange or State-Based Exchange on the Federal platform:

(i) For prospective coverage to be effectuated as provided for in § 155.410(f) (which excludes retroactive enrollments under § 155.410(f)(5)(i)(A) and (B) and (ii)(A) and (B)), and in § 155.420(b)(1), (2), (3), (5), and (6)(ii) (which excludes retroactive enrollments under § 155.420(b)(2), (3), (5)), the binder payment must consist of the first month's premium, and the deadline for making the binder payment must be no earlier than the coverage effective date, and no later than 30 calendar days after the later of the dates the issuer receives the enrollment transaction or the coverage effective date.

(ii) For retroactive coverage to be effectuated as provided for in § 155.410(f)(5)(i)(A) and (B) and (ii)(A) and (B), and in § 155.420(b)(2), (3), (5), and (6)(i), the binder payment must consist of the premium due for all months of retroactive coverage and for the first prospective month of coverage, and the deadline for making the binder payment must be no earlier than 30 calendar days after the date the issuer receives the enrollment transaction. If the premium for at least 1 month of coverage, but less than the full amount owed, is paid, the issuer must effectuate only prospective coverage.

* * * * *

(i) *QHP selection in the case of certain inconsistencies.* When an applicant or enrollee has an inconsistency as described in § 155.315(f)(4)(ii) and would otherwise be eligible for advanced payments of the premium tax

credit based on the information attested on the application for coverage, an Exchange must accept a QHP selection from the applicant or enrollee, and at the option of the applicant or enrollee, transmit enrollment information to the issuer of the QHP selected such that the QHP issuer can enroll the applicant or enrollee only upon the Exchange determining the applicant or enrollee eligible for advance payments of the premium tax credit and cost-sharing reductions, as applicable, as described by § 155.315(f)(4)(iv) or § 155.315(f)(5).

■ 9. Section 155.410 is amended by—

■ a. Revising paragraph (d); and

■ b. Adding paragraphs (e)(4)(iv), (f)(3)(iii), (f)(5), and (h).

The revision and additions read as follows:

§ 155.410 Initial and annual open enrollment periods.

* * * * *

(d) *Notice of annual open enrollment period.* (1) Starting in 2014 and ending in 2026, the Exchange must provide a written annual open enrollment notification to each enrollee no earlier than the first day of the month before the open enrollment period begins and no later than the first day of the open enrollment period.

(2) Starting in 2027, the Exchange must provide a written annual open enrollment notification to each enrollee no earlier than the first day of the month preceding the period in paragraph (h) of this section and no later than the first day of the open enrollment period.

* * * * *

(e) * * *

(4) * * *

(iv) Notwithstanding the introductory language of paragraph (e)(4) of this section, if paragraph (e)(5) of this section does not apply, then the requirements of paragraph (e)(4) of this section may apply for benefit years beginning on and after January 1, 2022.

* * * * *

(f) * * *

(3) * * *

(iii) Notwithstanding the introductory language of paragraph (f)(3) of this section, if paragraph (f)(4) does not apply, then the requirements of paragraph (f)(3) of this section may apply for benefit years beginning on and after January 1, 2022, through January 1, 2027.

* * * * *

(5) For benefit years beginning on or after January 1, 2028—

(i) when § 155.410(e)(4) applies, then for an applicant whose QHP selection during the annual open enrollment period is subject to § 155.400(i), the following effective date rules apply—

(A) If all inconsistencies described in § 155.315(f)(4)(ii) are resolved on or before the 15th of the month following the effective date prescribed by § 155.410(f)(3), then the Exchange must ensure the coverage effective date prescribed by § 155.410(f)(3).

(B) If all inconsistencies are resolved after the 15th of the month following the effective date prescribed by § 155.315(f)(3), and on or before the 15th of a month, then the Exchange must ensure a coverage effective date of the first of such month.

(C) If all inconsistencies are resolved after the 15th of the month following the effective date prescribed by § 155.315(f)(3), and after the 15th of a month, then the Exchange must ensure a coverage effective date on the first of the next month.

(ii) when § 155.410(e)(5) applies, for an applicant whose QHP selection during the annual open enrollment period is subject to § 155.400(i), the following effective date rules apply—

(A) If all inconsistencies described in § 155.315(f)(4)(ii) are resolved on or before January 15 of the benefit year, then the Exchange must ensure a coverage effective date of January 1 of the benefit year.

(B) If all inconsistencies described in § 155.315(f)(4)(ii) are resolved after January 15 of the benefit year, and on or before the 15th of a month, then the Exchange must ensure a coverage effective date of the first of such month.

(C) If all inconsistencies described in § 155.315(f)(4)(ii) are resolved after January 15 of the calendar year, and after the 15th of a month, then the Exchange must ensure a coverage effective date on the first of the next month.

* * * * *

(h) *Annual pre-open enrollment verification period.* The Exchange must provide a verification period preceding the open enrollment period described in this section. During the verification period, application filers must be given the option to provide the information specified in paragraph (h)(2) of this section. The Exchange must verify any such information provided as specified in paragraph (h)(3) of this section.

(1) *Timing.* The Exchange must accept certain applicant and enrollee information for a plan year beginning on August 1 of each year preceding the plan year and ending on the date preceding the first date of the open enrollment period described in this section.

(2) *Collection of information.* (i) At minimum, the Exchange must make available a process for all applicants and current enrollees to provide their household income; their status as a U.S. citizen or U.S. national or their status as a lawfully present non-citizen; their incarceration status; and their place of residence for the upcoming plan year.

(ii) Exchanges may at their option make available a process for all applicants and current enrollees to provide any other information relevant to their eligibility determination, including the full single streamlined application as described at § 155.405.

(3) *Verification and determination.* (i) During the period described in this section, Exchanges must attempt to verify the information described in paragraph (h)(2) of this section provided by the applicant or enrollee in accordance with §§ 155.315 and 155.320 of this subpart, including following the inconsistency procedures in § 155.315(f) if required.

(ii) If the Exchange has sufficient information during the annual pre-open enrollment verification period to make an eligibility determination in accordance with § 155.305, then the Exchange must do so in accordance with the requirements at § 155.310.

■ 10. Section 155.420 is amended by—

■ a. Revising paragraphs (b)(1) and (b)(2)(iii) through (vi); and

■ b. Adding paragraph (b)(6).

The revisions and addition read as follows:

§ 155.420 Special enrollment periods.

* * * * *

(b) * * *

(1) *Regular effective dates.* Except as specified in paragraphs (b)(2), (3), and (6) of this section, for a QHP selection received by the Exchange from a qualified individual, the Exchange must ensure a coverage effective date of the first day of the month following the QHP selection; except that before January 1, 2025, for a QHP selection received by the Exchange from a qualified individual between the sixteenth and the last day of any month, the Exchange may ensure a coverage effective date of the first day of the second month following QHP selection.

(2) * * *

(iii) Except as specified in paragraph (b)(6) of this section, in the case of a qualified individual or enrollee eligible for a special enrollment period as described in paragraphs (d)(4), (5), (9), (11), (12), or (13) of this section, the Exchange must ensure that coverage is effective on an appropriate date based on the circumstances of the special enrollment period.

(iv) Except as specified in paragraph (b)(6) of this section, if a qualified individual, enrollee, or dependent, as

applicable, loses coverage as described in paragraph (d)(1) or (d)(6)(iii) of this section, or is enrolled in COBRA continuation coverage for which an employer is paying all or part of the premiums, or for which a government entity is providing subsidies, and the employer contributions or government subsidies completely cease as described in paragraph (d)(15) of this section, gains access to a new QHP as described in paragraph (d)(7) of this section, becomes newly eligible for enrollment in a QHP through the Exchange in accordance with § 155.305(a)(2) as described in paragraph (d)(3) of this section, becomes newly eligible for advance payments of the premium tax credit in conjunction with a permanent move as described in paragraph (d)(6)(iv) of this section, and if the plan selection is made on or before the day of the triggering event, the Exchange must ensure that the coverage effective date is the first day of the month following the date of the triggering event. If the plan selection is made after the date of the triggering event, the Exchange must ensure that coverage is effective in accordance with paragraph (b)(1) of this section or on the first day of the following month, at the option of the Exchange. Notwithstanding the requirements of this paragraph (b)(2)(iv) for losses of coverage as described at paragraphs (d)(1), (d)(6)(iii), and (d)(15) of this section, at the option of the Exchange, if the plan selection is made on or before the last day of the month preceding the triggering event, the Exchange must ensure that the coverage effective date is the first day of the month in which the triggering event occurs.

(v) Except as specified in paragraph (b)(6) of this section, if an enrollee or his or her dependent dies as described in paragraph (d)(2)(ii) of this section, the Exchange must ensure that coverage is effective on the first day of the month following the plan selection, or it may permit the enrollee or his or her dependent to elect a coverage effective date in accordance with paragraph (b)(1) of this section. If the Exchange permits the enrollee or his or her dependent to elect a coverage effective date in accordance with paragraph (b)(1) of this section, the Exchange must ensure coverage is effective on the date duly selected by the enrollee or his or her dependent.

(vi) Except as specified in paragraph (b)(6) of this section, if a qualified individual, enrollee, or dependent newly gains access to an individual coverage HRA or is newly provided a QSEHRA, each as described in paragraph (d)(14) of this section, and if the plan selection is made before the day of the triggering event, the Exchange must ensure that coverage is effective on the first day of the month following the date of the triggering event or, if the triggering event is on the first day of a month, on the date of the triggering event. If the plan selection is made on or after the day of the triggering event, the Exchange must ensure that coverage is effective on the first day of the month following plan selection.

* * * * *

(6) For an applicant whose QHP selection during a special enrollment period is subject to § 155.400(i), and for whom all inconsistencies described in § 155.315(f)(4)(ii) are resolved after the applicable coverage effective date for such special enrollment period as described in paragraphs (b)(1) through (3) of this section,—the Exchange must ensure that coverage is effective on the following dates:

(i) If such inconsistencies are resolved on or before the 15th of a month, on the first of such month.

(ii) If such inconsistencies are resolved after the 15th of a month, on the first of the following month.

* * * * *

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–21891 Filed 10–23–26; 4:15 pm]

BILLING CODE 4169–69–P



FEDERAL REGISTER

Vol. 91 Tuesday,
No. 206 October 27, 2026

Part III

Department of Transportation

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, et al.
Hazardous Materials: Harmonization With International Standards; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 175, 176, 178, and 180

[Docket No. PHMSA–2025–0048 (HM–215S)]

RIN 2137–AF75

Hazardous Materials: Harmonization With International Standards

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA proposes to update the Hazardous Materials Regulations to adopt certain international regulations and standards related to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These proposed amendments are intended to maintain consistency with the latest international regulations and standards, to reduce costs to entities or individuals within the United States, and to lower the cost of regulations on the U.S. economy.

DATES: Comments must be received by December 28, 2026. To the extent possible, PHMSA will consider late-filed comments while a final rule is developed.

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

- *Federal Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management System; U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Include the agency name and docket number PHMSA–2025–0048 (HM–215S) or RIN 2137–AF75 for this rulemaking at the beginning of your comment. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Docket: For access to the dockets to read background documents (including the Preliminary Regulatory Impact Analysis (PRIA)) or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (*see* **ADDRESSES**).

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 105.30, you may ask PHMSA to provide confidential treatment to the information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential;'' (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Steven Andrews, DOT: PHMSA–PHH–10, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any comment PHMSA receives that is not explicitly designated as CBI will be placed in the public docket.

FOR FURTHER INFORMATION CONTACT: Steven Webb or Aaron Wiener, International Program, or Steven Andrews, Standards and Rulemaking, at 202–366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, East Building, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
II. Background
III. Incorporation by Reference Discussion Under 1 CFR Part 51
IV. Amendments Not Being Proposed for Adoption
V. Section-by-Section Review of NPRM Proposals
VI. Regulatory Analyses and Notices
A. Legal Authority
B. Executive Order 12866; Regulatory Planning and Review
C. Executive Orders 14192 and 14219
D. Energy-Related Executive Orders 13211, 14154, and 14156
E. Executive Order 13132: Federalism
F. Regulatory Flexibility Act
G. Unfunded Mandates Reform Act of 1995
H. National Environmental Policy Act
I. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
J. Privacy Act
K. Paperwork Reduction Act
L. Executive Order 13609 and International Trade Analysis
M. National Technology Transfer and Advancement Act
N. Cybersecurity and Executive Order 14028
O. Severability

I. Executive Summary

The Federal Hazardous Materials Transportation Law directs the Secretary of Transportation to ensure domestic regulations for the transportation of hazardous materials are generally consistent with the latest international regulations and standards, unless they are unnecessary or unsafe, or a more stringent safety standard is in the public interest.[1] Consistent with this statutory requirement, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180) to adopt certain international regulations and standards. The amendments in this notice of proposed rulemaking (NPRM) include changes to material incorporated by reference, hazardous materials descriptions and proper shipping names (PSN), hazard classes, packing groups (PG), special provisions (SP), packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

The proposed amendments will maintain the current levels of safety achieved under the HMR. Harmonizing the HMR with international regulations and standards will reduce delays and interruptions in the transportation of hazardous materials and promote the free flow of commerce by eliminating unnecessary and outdated regulatory requirements. Overall, the proposed amendments will reduce costs to entities or individuals within the U.S. or otherwise lower the cost of regulations on the U.S. economy.[2]

PHMSA anticipates the NPRM will benefit safety by harmonizing domestic and international regulations. PHMSA

[1] 49 U.S.C. 5120.

[2] Readers should be aware that several provisions in this NPRM cover subject matter similar to that discussed in the recently published HM–215R NPRM (91 FR 5996; Feb. 10, 2026). To the extent any text appears inconsistent between the two documents, PHMSA asserts such instances will be reconciled upon publication of the HM–215R final rule.

solicits comments on the need, benefits, and costs of the proposed HMR revisions; impact on safety and the environment; and any other relevant information. PHMSA also solicits comments regarding approaches to reducing the costs of the proposed HMR revisions while maintaining or increasing safety benefits and on any other specific changes (*e.g.*, greater flexibility regarding a particular proposal) that might improve the rulemaking. As further explained in the Preliminary Regulatory Impact Analysis (PRIA), PHMSA expects the aggregate benefits of the NPRM will justify the aggregate costs for U.S. entities or individuals.

II. Background

PHMSA participates in the development of international standards for the transportation of hazardous materials and promotes the adoption of standards consistent with the HMR. When considering whether to adopt new or amended international regulations and standards, PHMSA reviews each provision, assesses its overall impact on transportation safety, and analyzes the economic impacts of its adoption. The goal of PHMSA is to harmonize the HMR without reducing safety or imposing undue burdens on the regulated community.

The United Nations Sub-Committee of Experts (UNSCOE) on the Transport of Dangerous Goods (TDG) and on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) issues the UN Model Regulations (UNMR). The UNMR are amended and updated biennially by the UNSCOE and serve as the basis for national, regional, and international modal regulations, including the International Civil Aviation Organization (ICAO) Technical Instructions and IMDG Code. PHMSA routinely updates the HMR to incorporate by reference these biennial amendments.

PHMSA has evaluated the latest biennial updates and proposes to revise the HMR to adopt changes consistent with revisions to the 2027–28 edition of the ICAO Technical Instructions, Amendment 43–26 to the IMDG Code, the 2024 updates to the Transport Canada's TDG, and the 24th revised edition of the UNMR. These biennial updates will be published by or in effect on January 1, 2027.[3] PHMSA also proposes to incorporate by reference certain revised international regulations and standards, as well as several new or updated International Organization of Standardization (ISO) standards, which are referenced in these international frameworks. The regulations and standards incorporated by reference are authorized for use for domestic and international transportation under specific conditions in 49 CFR part 171, subpart C of the HMR.

III. Incorporation by Reference Discussion Under 1 CFR Part 51

PHMSA currently incorporates by reference into the HMR all or parts of numerous standards and specifications developed and published by standard development organizations (SDO). In general, SDOs update and revise their published standards every two to five years to reflect modern technology and best technical practices. The National Technology Transfer and Advancement Act of 1995 (NTTAA; Pub. L. 104–113) directs Federal agencies to use standards developed by voluntary consensus standards bodies in lieu of government-written standards whenever possible. Voluntary consensus standards bodies develop, establish, or coordinate technical standards using agreed-upon procedures. The Office of Management and Budget (OMB) issued Circular A–119 (*Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*) to implement the obligations imposed on Federal agencies under the NTTAA. OMB Circular A–119 provides guidance for agencies participating in voluntary consensus standards bodies and describes procedures for satisfying the reporting requirements in the NTTAA.

PHMSA is responsible for determining which standards currently referenced in the HMR should be updated, revised, or removed, and which new standards should be added to the HMR, under the NTTAA and OMB Circular A–119. PHMSA proposes revisions to materials incorporated by reference in the HMR via the notice-and-comment rulemaking process. PHMSA must obtain approval from the Office of the Federal Register to incorporate by reference any new materials during that process. The Office of the Federal Register issued a rulemaking that revised 1 CFR 51.5 to require that an agency detail in the preamble of an NPRM the ways the materials it proposes to incorporate by reference are reasonably available to interested parties, or how the agency worked to make those materials reasonably available to interested parties.[4] Proposed changes to the material incorporated by reference in the HMR are discussed in detail in the Section 171.7 discussion (*see Section V. Section-by-Section Review of NPRM Proposals*).

The regulations and standards addressed in this NPRM are reasonably available to interested parties in several ways. The UNMR and its supporting United Nations Manual of Tests and Criteria (UN Manual of Tests and Criteria) are free and easily accessible to the public on the internet (links are provided in footnotes as part of the Section 171.7 discussion (*see Section V. Section-by-Section Review of NPRM Proposals*)).[5] The Transport Canada Transportation of Dangerous Goods regulations are also available for free online.[6] The ICAO Technical Instructions, the IMDG Code, and all ISO standard references are available for interested parties to purchase, either in print or electronic versions through the organizations' websites. In addition, all standards that PHMSA proposes to incorporate by reference in the NPRM will be available for review at the DOT docket office during the comment period, free of charge, at PHMSA Headquarters, 1200 New Jersey Avenue SE, Washington, DC 20590.

IV. Amendments Not Proposed for Adoption

PHMSA has determined that certain elements of updated international regulations and standards should not be adopted into the HMR and thus is not including them in this proposed rule.[7] PHMSA has also determined that certain transport requirements should be considered for authorization on a case-by-case basis through special permits rather than proposed for adoption for general applicability in the HMR. Additional information about these topics is provided below.

A. Revised Cylinder Definitions

The 24th revised edition of the UNMR contains updated definitions for ''cylinder,'' ''bundle of cylinders,'' ''salvage pressure receptacle,'' ''tube,''

[3] Amendment 43–26 of the IMDG Code becomes mandatory on January 1, 2027. Voluntary compliance will begin on January 1, 2026; PHMSA also proposes to adopt the provisions from Addendum 1 to the 2026–27 Edition of the ICAO Technical Instructions issued and effective on March 27, 2026. *See* discussion in Section 175.10, *Section IV. Section-by-Section Review of NPRM Proposals* for more details.

[4] 79 FR 66278 (Nov. 7, 2014).

[5] UNECE, *Manual of Tests and Criteria, Eighth Revised Edition*, (2023), available at: *https://unece.org/transport/publications/un-manual-tests-and-criteria-rev8-2023*.

[6] Transport Canada, *Transportation of Dangerous Goods Regulations* (Oct. 2025), available at: *https://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/transportation-dangerous-goods-regulations*.

[7] *See* 49 U.S.C. 5120(c).

''usable water capacity,'' and ''pressure-volume product.'' The cylinder definition includes a test-pressure cap expressed in volumetric-pressure units (*e.g.*, 1.5 million bar-litres). Additional information about these revisions is available in the UNSCOE TDG working paper.[8]

PHMSA is declining to propose to adopt these revised definitions. PHMSA has not identified sufficient safety or performance data indicating that the revised definitions would produce measurable safety benefits beyond the current HMR requirements. Adopting these definitions could also disrupt domestic industry practices without a clear compensating safety advantage. Accordingly, PHMSA will retain the current HMR definitions to preserve regulatory clarity, to minimize disruption to U.S. stakeholders, and to maintain the high safety standards already in place.

B. Infectious Substances (Indicative List)

The 24th revised edition of the UNMR adopted an updated version of the indicative list of Category A infectious substances. PHMSA previously determined that adopting the UNMR indicative list of infectious substances into 49 CFR 173.134 would introduce redundancies with existing U.S. public health frameworks and create unnecessary compliance complexities. PHMSA's criteria-based classification system in 49 CFR 173.134, developed in consultation with experts from the Centers for Disease Control and Prevention (CDC) and U.S. Department of Agriculture (USDA), ensures rigorous oversight of substances capable of causing life-threatening or fatal diseases in humans or animals. This approach provides flexibility to address emerging pathogens (*e.g.*, novel viruses) without reliance on a static list, while maintaining consistency with domestic enforcement protocols, stakeholder expectations, and packaging requirements tailored to U.S. healthcare and research logistics. PHMSA concludes that retaining its current criteria-driven framework for Category A infectious substances in 49 CFR 173.134, rather than adopting the UNMR indicative list, best serves the public interest by balancing global harmonization objectives with the need for adaptable, risk-proportionate regulations.

In addition, the UNMR adopted language stating that an infectious substance not meeting the criteria for inclusion in Category A is assigned to Category B (UN3373). Because PHMSA is not proposing to adopt the Category A indicative list, a clarifying amendment to the HMR for Category B infectious substances is not necessary.

C. Exceptions for Medical Devices as Infectious Substances

The 24th revised edition of the UNMR adopted exceptions for medical devices that may be contaminated with an infectious substance. The HMR already contains provisions for the transportation of medical devices containing an infectious substance in 49 CFR 173.134. Therefore, a clarifying amendment to address the new exceptions in the UNMR is not necessary.

D. Environmentally Hazardous Paint

The 24th revised edition of the UNMR adopted a new special packing provision (PP99) for PSN ''UN3082, Environmentally Hazardous Substance.'' As discussed in the UNSCOE TDG working paper, this new provision applies to packaging of mixtures assigned to UN3082 containing less than one percent of substances of highly toxic ingredients with an M-factor of 10, 100, or 1000.[9] PHMSA is not proposing to adopt this provision because these mixtures are already excepted from regulation under the HMR. The definition of a ''marine pollutant'' in 49 CFR 171.8 includes mixtures or solutions packaged in a concentration which equals or exceeds one percent by weight of the solution or mixture for materials that are identified as severe marine pollutants in Appendix B to 49 CFR 172.101, or 10 percent by weight of the solution or mixture for non-severe marine pollutant materials listed in the appendix. The exception provided in the international standards applies only if the total concentration of highly toxic ingredients (*e.g.*, the constituents that are marine pollutants) do not exceed one percent. All mixtures covered by this exception are already excepted under the HMR.

E. UN Fiber Reinforced Plastic (FRP) Portable Tanks and Service Equipment

The 24th revised edition of the UNMR added standards for UN FRP portable tank service equipment. In the HM–215Q NPRM, PHMSA concluded that further research on UN FRP portable tanks is necessary in areas covering material fatigue, suitability of the pool fire test and impact testing as packaging qualification methods, and in the identification of the most appropriate non-destructive test methodology to qualify UN FRP portable tanks.[10] Since PHMSA did not adopt the requirements for UN FRP portable tanks, there is no justification to adopt the provision for UN FRP portable tank service equipment.

PHMSA is proposing an amendment to 49 CFR 171.25—Additional requirements for the use of the IMDG Code—that would allow limited import and export of UN FRP portable tanks and service equipment within a single port area. *See Section IV. Section-by-Section Review of NPRM Proposals* for a discussion of 49 CFR 171.25 changes.

F. Net Explosive Weight (NEW)

The 24th revised edition of the UNMR and the associated UNSCOE TDG working paper revises the term ''NEW'' to ''net explosive mass'' (NEM) to align with scientific precision, as mass (measured in kilograms) and weight (a force measured in newtons) are distinct physical concepts.[11] Although PHMSA acknowledges this technical distinction, adopting the UNMR terminology would introduce inconsistency with longstanding HMR terminology and industry practice. Accordingly, PHMSA is not proposing to adopt the new terminology.

G. Regulatory Clarification for Labels

The 24th revised edition of the UNMR adopted language permitting the use of labels with minor variations to the symbols used in various modal and regional regulations, provided such variations do not alter the clear meaning of the label. The HMR already authorizes the use of labels conforming to the UNMR, the IMDG Code, the ICAO Technical Instructions, and the TC TDG in 49 CFR 172.407(f). Consequently, the wording from the UNMR does not need to be adopted in the HMR.

H. Use of Recycled Plastics

The 24th revised edition of the UNMR adopts provisions for the use of recycled plastics in the manufacturing of intermediate bulk containers (IBCs). In the HM–215Q NPRM, PHMSA determined that oversight for the use of recycled plastics is still needed in areas such as batch testing to ensure the quality of recycled plastics used in the

[8] United Nations Economic Commission for Europe (UNECE), *Additional data on proposal ST/SG/AC.10/C.3/2023/1—Report of the intersessional working group on the pV-product limit for pressure receptacles* (Apr. 11, 2023), available at: *https://unece.org/sites/default/files/2023-05/ST-SG-AC.10_C.3-2023-1e.pdf.*

[9] UNECE, *Transport provisions for small quantities of environmentally hazardous paints, printing inks, and related materials* (Nov. 28, 2024), available at: *https://unece.org/sites/default/files/2024-11/UN-SCETDG-65-INF61e.pdf.*

[10] 88 FR 34568 (May 30, 2023).

[11] UNECE, *Net explosive weight* (Sept. 8, 2023), available at: *https://unece.org/sites/default/files/2023-10/ST-SG-AC10-C3-2023-51E.pdf/.*

construction of rigid plastic IBCs. PHMSA continues to believe that oversight is needed for the approval of IBCs that are manufactured from recycled plastics to ensure safety of their use in hazardous materials transportation. PHMSA is evaluating the stakeholder feedback received in response to a previous request for information on the recycled plastics policy and expects to address that issue in a future rulemaking.[12] For these reasons, PHMSA is not proposing to adopt the revised provisions in the UN Model Regulations at this time.

I. Periodic Leakproofness Testing

The 24th revised edition of the UNMR clarifies that the periodic leakproofness test for IBCs, required every two and a half years, may be performed at the design type test level rather than under full retesting conditions. A UNSCOE TDG working paper identifies perceived ambiguity in the current language and seeks to standardize interpretation across jurisdictions.[13]

PHMSA does not believe that this clarification needs to be adopted. The HMR already requires that IBCs undergo periodic leakproofness testing in accordance with 49 CFR 180.352(d).[14] Specifically, 49 CFR 180.352(d)(1)(i) requires that repaired or remanufactured IBCs comply with the original design type specifications. This linkage ensures that leakproofness testing is inherently aligned with the design type's validated performance standards, eliminating the need for additional language to specify ''design type-level'' testing. The HMR framework emphasizes functional equivalence and safety by tying periodic testing to the design type's integrity, as demonstrated during initial design qualification.

J. Regulatory Clarification for Definition of Class 1 Explosives as Articles

The 24th revised edition of the UNMR clarifies that explosive substances deemed ''too dangerous to transport'' are explicitly prohibited for transportation. The UNSCOE TDG adopted this clarification to address a gap in the existing framework. While prohibiting transport of overly sensitive substances, the UNMR did not similarly restrict overly sensitive articles. The UNSCOE TDG determined that this omission could create ambiguity regarding whether overly sensitive explosive articles are similarly forbidden under the UNMR.

PHMSA does not believe that this clarification needs to be adopted. The HMR already addresses the concern that UNSCOE TDG identified with the UNMR. Class 1 explosives explicitly encompass both substances and articles under 49 CFR 173.50. Section 173.54(k) also prohibits the transportation of any Class 1 explosive, substance, or article that fails to meet the acceptance criteria outlined in 49 CFR 173.57. In addition, 49 CFR 173.57(b) explicitly prohibits articles that are thermally unstable or impact-sensitive. For these reasons, the regulatory gap in the UNMR never existed in the HMR.

K. ISO 11515:2022, (Gas Cylinders—Refillable Composite Reinforced Tubes of Water Capacity Between 450 l and 3000 l—Design, Construction and Testing)

The 24th edition of the UNMR adopted ISO 11515:2022. PHMSA is not proposing to incorporate by reference ISO 11515:2022 in this NPRM. Incorporating ISO 11515:2022 would require extensive exceptions to maintain the HMR's current level of safety. The standard contains a significant typographical error regarding testing thresholds for Type 4 liner thickness modifications greater than 105 percent instead of greater than 10 percent. In addition, the new gunfire test does not apply to civilian Type 2 designs, and its five-minute bonfire test falls short of the 15-minute duration required by PHMSA special permits to allow for first responder arrival. For these reasons, PHMSA declines to propose to incorporate this edition pending future ISO corrections.

V. Section-by-Section Review of NPRM Proposals

The following is a section-by-section review of proposed amendments to harmonize the HMR with international regulations and standards.

A. Part 171

Section 171.7

Section 171.7 lists all consensus regulations and standards incorporated by reference into the HMR. PHMSA is proposing to add or revise the following references in 49 CFR 171.7:[15]

- The 2027–28 edition of the ICAO Technical Instructions in paragraph (t)(1) will replace the edition currently referenced in 49 CFR 171.8; 171.22 through 171.24; 172.101; 172.202; 172.401; 172.407; 172.512; 172.519; 172.602; 173.56; 173.320; 175.10, 175.33; and 178.3. The ICAO Technical Instructions specify detailed instructions and requirements for the safe international transport of dangerous goods (*i.e.*, hazardous materials) by air. The requirements in the 2027–28 edition have been amended to align better with the 24th revised edition of the UNMR. Notable changes in the 2027–28 edition of the ICAO Technical Instructions include new packing and stowage provisions, new and revised entries on its Dangerous Goods List, and editorial corrections.[16]
- The 2026 edition of the IMDG Code (Amendment 43–26) in new paragraph (v)(3) will replace the edition currently referenced in 49 CFR 171.22; 171.23; 171.25; 172.101; 172.202; 172.203; 172.401; 172.407; 172.502; 172.519; 172.602; 173.21; 173.56; 176.2; 176.5; 176.11; 176.27; 176.30; 176.83; 176.84; 176.140; 176.708; 176.720; 176.906; 178.3; and 178.274.[17] The IMDG Code is a unified international code that outlines standards and requirements for the transport of dangerous goods (*i.e.,* hazardous materials) by sea (*i.e.,* by vessel). Notable changes in Amendment 43–26 of the IMDG Code include new packing and stowage provisions, new and revised entries on its Dangerous Goods List, and editorial corrections.[18]
- The following International Maritime Organization International Convention for the Safety of Life at Sea (SOLAS) Chapter II–2 Construction—Fire protection, fire detection and fire extinction standards are added or updated in paragraph (v):

—*Regulation 3,* Definitions in paragraph (v)(1). PHMSA proposes to add the 2024 edition of this SOLAS regulation and incorporate it by reference into 49 CFR 176.905. This document contains definitions used throughout SOLAS and is relevant to the definition of roll-on/roll-off (*i.e.*, ''Ro-Ro'') passenger ships as discussed in proposed changes to 49 CFR 176.905(a).

—*Regulation 19,* Carriage of dangerous goods in paragraph (v)(2). PHMSA proposes to replace the 2009 fifth edition, which is currently referenced

[12] 88 FR 23140 (Apr. 14, 2023).

[13] UNECE, *Periodic leakproofness retesting on IBCs after two and a half years at the level of the design type test* (Sept. 6, 2024), available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-81E.pdf.*

[14] 49 CFR 180.352(b)(1).

[15] All other standards that are set out as part of the regulatory text of 49 CFR 171.7(w) were previously approved for incorporation by reference and no changes are proposed.

[16] The ICAO Technical Instructions are available for purchase on the ICAO website at *https://store.icao.int/en/shop-by-areas/safety/dangerous-goods.* PHMSA anticipates that the 2027–28 edition of the ICAO Technical Instructions will be available for publication in late 2026.

[17] The HM–215R NPRM (91 FR 5996 (Feb. 10, 2026)) proposed to incorporate the 2024 edition (42–24) of the IMDG Code.

[18] Distributors of the IMDG Code can be found on IMO website at: *https://www.imo.org/en/publications/Pages/Distributors-default.aspx.*

in 49 CFR 176.63 and 176.84, with the 2024 edition of this SOLAS regulation in paragraph (v)(2).

• The following ISO standards for the specification, design, construction, testing, and use of gas cylinders in paragraph (w):

—*ISO 535:2023,* (*Paper and board—Determination of water absorptiveness—Cobb method*) in paragraph (w)(1). PHMSA proposes to replace the currently referenced 1991 edition of ISO 535 in 49 CFR 178.516, 178.707, and 178.708 with the updated 2023 edition.[19] ISO 535:2023 specifies a method of determining the water absorptiveness of sized paper and board, including corrugated fiberboard, under standard conditions.

—*ISO 1496–3:2019,* (*Series 1 freight containers—Specification and testing—Part 3: Tank containers for liquids, gases and pressurized dry bulk*), in paragraph (w)(3). PHMSA proposes to replace the currently referenced 1995 edition of ISO 1496–3 in 49 CFR 178.74, 178.75, and 178.274, with the updated 2019 edition.[20] ISO 1496–3:2019 specifies the basic specifications and testing requirements for ISO series 1 tank containers suitable for the carriage of gases, liquids, and solid substances (dry bulk) that can be loaded or unloaded as liquids by gravity or pressure discharge, for international exchange, and for transport by highway, rail and vessel, including interchange between these forms of transport.

—*ISO 4706:2023,* (*Gas cylinders—Refillable welded steel cylinders—Test pressure 60 bar and below*) in paragraph (w)(22). PHMSA proposes to replace the currently referenced 2008 edition of ISO 4706 in 49 CFR 178.71 with the updated 2023 edition.[21] ISO 4706:2023 specifies the minimum requirements concerning material selection, design, construction and workmanship, procedure, and testing at manufacture of refillable welded-steel gas cylinders of water capacities from 0.5 L up to and including 150 L and drums of water capacities of 150 L to 500 L of a test pressure not greater than 60 bar, exposed to extreme worldwide temperatures (−50 °C to +65 °C) used for compressed, liquefied or dissolved gases.

—*ISO 10297:2024,* (*Gas cylinders—Cylinder valves—Specification and type testing*) in paragraph (w)(47). PHMSA proposes to reference the 2024 edition of ISO 10297:2024 in 49 CFR 173.301b and 178.71. ISO 10297:2024 sets out the requirements for the design, type testing, and marking of cylinder valves used on refillable transportable gas cylinders.[22]

—*ISO 11114–1:2020/Amd 1:2023,* (*Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials—Amendment 1*) in paragraph (w)(52).[23] PHMSA proposes to add the 2023 Amendment 1 of ISO 11114–1:2020 to be referenced in 49 CFR 172.102, 173.301b, and 178.71. ISO 11114–1:2020/Amd 1:2023 provides requirements for the selection of safe combinations of metallic cylinder and valve materials and cylinder gas content.[24]

—*ISO 11623:2023,* (*Gas cylinders—Composite cylinders and tubes—Periodic inspection and testing*) into paragraph (w)(79). PHMSA proposes to reference the 2023 edition of this document in 49 CFR 180.207.[25] ISO 11623:2023 specifies the requirements for periodic inspection and testing to verify the integrity for further service of hoop-wrapped and fully-wrapped composite transportable gas cylinders and tubes, with aluminum-alloy, steel or non-metallic liners or of linerless construction (Types 2, 3, 4, and 5), intended for compressed, liquefied or dissolved gases under pressure, of water capacity from 0.5 L up to 3,000 L.

—*ISO 14246:2022,* (*Gas cylinders—Cylinder valves—Manufacturing tests and examinations*) in paragraph (w)(84). PHMSA proposes to reference the 2022 edition of this document in 49 CFR 178.71.[26] ISO 14246:2022 specifies the manufacturing tests and examinations required for cylinder valves used on refillable gas cylinders.

—*ISO 18119:2018/Amd 1:2021/Amd 2:2024,* (*Gas cylinders—Seamless steel and seamless aluminium-alloy gas cylinders and tubes—Periodic inspection and testing*) in paragraph (w)(93). PHMSA proposes to replace the currently referenced ISO 4706:2008(E) in 49 CFR 180.207 with ISO 18119: 2018/Amd 1:2021/Amd 2:2024. ISO 18119 specifies the requirements for periodic inspection and testing to verify the integrity of cylinders and tubes to be re-introduced into service for a further period of time.[27]

—*ISO 22434:2022,* (*Gas cylinders—Inspection and maintenance of valves*) in paragraph (w)(100). PHMSA proposes to reference the 2022 edition of this document in 49 CFR 180.207. ISO 22434:2022 specifies requirements for the inspection and maintenance of valves for refillable transportable gas cylinders, cylinder bundles, pressure drums and tubes which transport compressed, liquefied, or dissolved gases.[28]

• The 2024 updates to Transport Canada's Transportation of Dangerous Goods (TDG) Regulations in paragraph (bb)(1) to replace the edition currently referenced in 49 CFR 107.801; 107.805; 171.12; 171.22; 171.23; 172.401; 172.407; 172.502; 172.519; 172.602; 173.31; 173.32; 173.33; 173.301; 180.205; 180.211; 180.212; and 180.413.[29] Like the HMR, the TDG regulations provide requirements for transportation of hazardous materials goods and activities relating to road, rail, air, and marine transport into, from, and within Canada.

• The 24th Revised Edition (2025) of the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations (UN Model Regulations), Volumes I and II, in paragraph (dd)(1), to replace the edition currently referenced in 49 CFR 171.8; 171.12; 172.202; 172.401; 172.407; 172.502; 172.519; 173.22; 173.24;

[19] UNECE, *Revision of standard ISO 535:2014* (July 28, 2023), available at: *https://unece.org/sites/default/files/2023-09/ST-SG-AC10-C3-2023-31e.pdf;* The HM–215R NPRM (91 FR 5996 (Feb. 10, 2026)) proposed to replace the 1991 version of ISO 535 with the 2014 edition of ISO 535.

[20] UNECE, *ISO standard updates—proposal for amendments to document ST/SG/AC10/C3/2024/21* (July 2, 2024), available at: *https://unece.org/sites/default/files/2024-07/UN-SCETDG-64-INF72e.pdf.*

[21] UNECE, *Updated ISO standards in Class 2* (Apr. 5, 2024), available at: *https://unece.org/sites/default/files/2024-05/ST-SG-AC10-C3-2024-11E.pdf.*

[22] UNECE, *Updated ISO standards in Class 2* (Apr. 18, 2024), available at: *https://unece.org/sites/default/files/2024-04/UN-SCETDG-64-INF08e.pdf.*

[23] The HM–215R NPRM (91 FR 5996 (Feb. 10, 2026)) proposed to adopt ISO 11114–1:2020 sans Amendment 1.

[24] UNECE, *Updated ISO standards in Class 2* (Sept. 8, 2023), available at: *https://unece.org/sites/default/files/2023-10/ST-SG-AC10-C3-2023-46E.pdf.*

[25] UNECE, *Updated ISO standards in Class 2* (Apr. 5, 2024), available at: *https://unece.org/sites/default/files/2024-05/ST-SG-AC10-C3-2024-11E.pdf.*

[26] UNECE, *Updated ISO standards in Class 2* (Apr. 5, 2024), available at: *https://unece.org/sites/default/files/2023-11/ST-SG-AC.10-C.3-2023-21E.pdf.*

[27] UNECE, *Updated ISO standards in Class 2* (Sept. 3, 2024), available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-62E.pdf.*

[28] UNECE, *Updated ISO standards in Class 2* (Apr. 20, 2023), available at: *https://unece.org/sites/default/files/2023-11/ST-SG-AC.10-C.3-2023-21E.pdf.*

[29] The HM–215R NPRM (91 FR 5996 (Feb. 10, 2026)) proposed to incorporate by reference the 2023 edition of the Transport Canada's Transportation of Dangerous Goods (TDG) Regulations.

173.24b; 173.40; 173.56; 173.192; 173.302b; 173.304b; 178.75; and 178.274. The UNMR presents a basic scheme of provisions that allow uniform development of national and international regulations governing the various modes of transport.[30]

• Amendment 1 to the Eighth Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, in paragraph (dd)(2), to replace the edition currently referenced in 49 CFR 171.24, 172.102; 173.21; 173.56; 173.57; 173.58; 173.60; 173.115; 173.124; 173.125; 173.127; 173.128; 173.137; 173.185; 173.220; 173.221; 173.224; 173.225; 173.232; part 173, appendix H; 175.10; 176.905; and 178.274.[31] The UN Manual of Tests and Criteria contains standards, test methods, and procedures to be used for the classification of hazardous materials according to the UNMR. The Eighth Revised Edition Amendment 1 of the UN Manual of Tests and Criteria is available online at: *https://unece.org/transport/dangerous-goods/rev8-files*.

• The 11th Revised Edition of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), in paragraph (dd)(3), to replace the edition currently referenced in 49 CFR 172.401.[32] The GHS is an international system standardizing hazard classification and communication. The HMR authorizes its use for labeling of packages.[33]

Section 171.8

Section 171.8 defines terms used throughout the HMR that have broad or multi-modal applicability. In this NPRM, PHMSA proposes to amend the definitions for the following terms:

• *Large packaging and large salvage packaging:* PHMSA proposes to revise the definitions of *large packaging* and *large salvage packaging* to clarify that the three m^3 maximum volume refers to the internal, not the external, volume of the packaging. There is disagreement among experts on the meaning of the word ''volume'' in association with these definitions—some interpret it as ''external volume,'' while others understand it as ''internal volume''—leading to differing transport requirements. The UNSCOE TDG working paper that resulted in this clarification cited an example of industrial lithium battery products with an internal volume of 2.7 or 2.8 m^3 where the overall external volume of the contents and the packaging exceeds 3 m^3.[34] This clarification would aid in ensuring appropriate use of these packagings for the transportation of hazardous materials.

• *Single packaging:* A *single packaging* is currently defined in 49 CFR 171.8 as a non-bulk packaging other than a combination packaging. The ICAO Technical Instructions define *single packaging* as ''a packaging which does not require any inner packaging to perform its containment function during transport.'' [35] A proposal submitted to the UNSCOE noted that the UNMR and IMDG Code do not define ''single packaging'' although the term is used numerous times.[36] Without a definition, there was confusion on a separate proposal where ''single packaging'' was interpreted to mean one packaging instead of the intended meaning, perhaps confusing the term ''packaging'' with ''package.'' To address that confusion, the UNMR and IMDG Code adopted a definition consistent with the ICAO Technical Instructions. In this NPRM, PHMSA proposes to add text from the definition in the UNMR to the existing definition of *single packaging*.

PHMSA believes that adopting the international definitions into the HMR will provide greater clarity without resulting in any unintended consequences. Clear, uniform definitions facilitate international commerce and reduce the risk of non-compliance due to misinterpretation.

Section 171.25

Section 171.25 outlines additional requirements for using the IMDG Code in addition to those found in 49 CFR 171.22 and 171.23. Although PHMSA is not proposing to adopt provisions for UN FRP portable tank service equipment, *see Section IV. Amendments Not Being Considered for Adoption*, PHMSA is proposing to revise 49 CFR 171.25(c)(5) to facilitate limited import and export of UN portable tanks containing FRP service equipment in international commerce and to facilitate transport experience. Specifically, PHMSA proposes to add FRP service equipment to the general prohibition of transportation of UN FRP portable tanks designed and constructed in accordance with Chapter 6.10 of the IMDG Code within the United States. But PHMSA proposes to allow FRP service equipment to be used along with the UN FRP portable tanks within a single port area in the United States in accordance with the provisions of 49 CFR 171.25(d) covering the use of the IMDG Code in port areas. This action will maintain the safe transportation of hazardous material under the HMR while facilitating international commerce by permitting the import or export of hazardous materials in UN FRP portable tanks with FRP service equipment and limiting their use and movement within a single port area.

B. Part 172

Section 172.101 Hazardous Materials Table (HMT)

The HMT designates listed materials as hazardous materials and summarizes terms and conditions governing their transportation under the HMR. For each entry, the HMT identifies basic information, such as the PSN, UN identification number, and hazard class and hazard label. The HMT specifies additional information or references requirements in the HMR, such as hazard communication, assigned special provisions, packaging reference citations, and modal requirements, like quantity limits aboard aircraft, and vessel stowage restriction of hazardous materials aboard vessels. PHMSA proposes several changes to the HMT as discussed below. For purposes of the U.S. Government Publishing Office's typesetting procedures, proposed changes to the HMT appear under three sections of the HMT: ''remove,'' ''add,'' and ''revise.'' Certain entries in the HMT, such as those with revisions to the PSNs, appear as a ''remove'' and ''add.'' Proposed amendments to the HMT include the following:

New HMT Entries

Butyl Acrylates, Stabilized (UN 2348)

PHMSA proposes to add a PG II entry for the PSN ''UN2348, Butyl acrylates, stabilized, 3'' to the HMT. Butyl acrylates are a group of chemicals that are flammable and liable to polymerize without stabilization. This group includes the substance tert-butyl

[30] The 24th revised edition of the UN Model Regulations is available online at: *https://unece.org/transport/dangerous-goods/un-model-regulations-rev-23*.

[31] The HM–215R NPRM (91 FR 5996 (Feb. 10, 2026)) proposed to incorporate by reference the Eighth Revised edition of the United Nations Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria without Amendment 1.

[32] The HM–215R NPRM (91 FR 5996 (Feb. 10, 2026)) proposed to incorporate by reference the 10th Revised Edition of the Globally Harmonized System of Classification and Labelling of Chemicals.

[33] The 11th revised edition of the GHS is available online at *https://unece.org/transport/dangerous-goods/ghs-rev11-2025*.

[34] UNECE, *Proposal on clarifying the definition of large packaging* (Sept. 13, 2024), available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-90E.pdf*.

[35] ICAO Technical Instructions Part 1;3.1.

[36] UNECE, *Report of the Sub-Committee of Experts on the Transport of Dangerous Goods on its sixty-fifth session* (Jan. 8, 2025), available at: *https://unece.org/sites/default/files/2025-02/ST-SG-AC10-C3-130E.pdf*.

acrylate. Currently, the HMT only provides for a Class 3, PG III designation for this material. According to data listed in the European Chemicals Agency (ECHA) database, the flash point for tert-butyl acrylate is 14 °C (57 °F). Flammable liquids with a flash point below 23 °C (73 °F) are assigned to PG II or PG I depending on the boiling point. PHMSA is proposing to add a line to the current entry to allow for assignment of ''Butyl Acrylates, Stabilized'' as a PG II material. This amendment will ensure appropriate packaging use, hazard communication, and accurate information for emergency responders.

Vanadium Pentoxide (UN2862)

PHMSA proposes to add a PG II entry for the PSN ''UN2862, Vanadium pentoxide, 6.1'' to the HMT. Vanadium pentoxide is commonly transported in flake or powder form and is primarily used as a catalyst in industrial processes such as sulfuric acid production and as a steel additive. Currently, the HMT only lists a PG III designation for this material. Data indicates that vanadium pentoxide in a respirable particle size range meets the criteria for GHS Category 2 acute inhalation toxicity, which aligns with assignment of PG II under the UNMR.[37] For transport purposes, a solid substance is considered respirable if it contains particles 10 micrometers (μm) or smaller and must be tested if at least 10 percent of its total mass is likely to be dust in a respirable range. Vanadium pentoxide powder with a particle size under 45 μm is commercially available, but the minimum size is not specified, raising concerns that a portion of the material may fall within the less than 10 μm respirable range. Given this uncertainty and the toxicological data, the UNSCOE TDG supported adding a PG II entry while retaining the existing PG III entry, citing a long record of safe transport under PG III without known health incidents. This is consistent with the precedent used when adding the Division 6.1, PG I entry for ''UN3550, Cobalt dihydroxide powder,'' which is a solid substance similarly classified due to inhalation risks when packaged containing 10 percent or more respirable particles. PHMSA proposes that vanadium pentoxide (in non-fused form) containing 10 percent or more respirable particles be assigned to PG II. When containing less than 10 percent respirable particles, the existing PG III entry for vanadium pentoxide is assigned. This new entry will be added with italics that may be used in addition to the PSN, ''UN2862, Vanadium pentoxide, *non-fused form, containing not less than 10 percent respirable particles.*''

In addition, PHMSA is proposing to revise the PSN for the PG III vanadium pentoxide entry to account for the 10 percent threshold as ''UN2862, Vanadium pentoxide, *non-fused form containing less than 10 percent respirable particles.*'' PHMSA expects these provisions will facilitate the continued safe transport of this material as a PG III material when appropriate and maintain the HMR's safety standard for transportation of Division 6.1 solid materials.

Chlorophenols (UN3561 and UN3562)

Chlorophenols are currently transported under ''UN2020, Chlorophenols, solid, 6.1, PG III'' or ''UN2021, Chlorophenols, liquid, 6.1, PG III,'' along with a separate entry for ''UN3155, Pentachlorophenol, 6.1, PG II.'' A review of the 19 total chlorophenols (phenols with only chlorine substituents) presented to the UNSCOE TDG found that individual chlorophenols within the chemical group include: (1) those that do not meet the definition of a hazardous material; (2) those that meet the classification criteria for Division 6.1, PG III consist with the existing HMT entries for liquids and solids; (3) solids that meet the Class 8, PG II classification criteria; (4) solids that meet the Class 8 and Division 6.1, PG II classification criteria, and; (5) for pentachlorophenol, a solid meeting the classification criteria for Division 6.1, PG II, assigned to UN3155.[38]

To address the findings described in items (3) and (4) above and to ensure appropriate classification of chlorophenols not addressed by the current UN2020, UN2021, and UN3155 entries, PHMSA proposes to add two new corrosive entries, ''UN3561, Chlorophenols, corrosive, toxic, solid, n.o.s., 8 (6.1), II'' and ''UN3562, Chlorophenols, corrosive, solid, n.o.s., 8, II.'' Consequently, the existing UN2020 and UN2021 entries would be amended by adding the symbol ''G'' in column one of the HMT, which signifies that a technical name must be included with the basic description. In addition, the proper shipping names in column two would be modified to include the text ''toxic'' and ''n.o.s.'' for consistency with the new entries proposed to differentiate between toxic and corrosive hazards. Together, these amendments will ensure appropriate classification, packaging use, hazard communication, and accurate information for emergency responders for all chlorophenols meeting the definition of a hazardous material.

Lithium Metal Batteries, Lithium Ion Batteries, and Sodium Ion Batteries Transported in Cargo Transport Units (UN3563, UN3536 and UN3564)

PHMSA proposes to add two new entries for cargo transport units (CTU) containing batteries: ''UN3563, Lithium metal batteries installed in cargo transport unit'' and ''UN3564, Sodium ion batteries installed in cargo transport unit.'' Lithium batteries installed in a CTU and designed only to provide power external to the CTU are presently assigned to the HMT entry ''UN3536, Lithium batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries.*'' Although most energy storage systems offered for transport in accordance with the provisions for UN3536 are lithium ion, there are currently three possible battery chemistries (lithium ion, lithium metal, and sodium ion) used for battery energy storage systems. Further, lithium ion and lithium metal batteries are both assigned UN3536 without indicating the battery chemistry, which impacts the manner of emergency response should they become involved in a fire.

In 2024, near Baker, California, an overturned truck transporting lithium batteries classified and described as UN3536 was involved in a fire.[39] Emergency responders on the scene were initially unable to determine whether the CTU contained lithium ion or lithium metal batteries. The uncertainty over the battery chemistry negatively impacted the emergency response. An indication of the type of batteries being transported allows for appropriate differentiation of transport provisions and for application of appropriate emergency response actions based on the types of batteries installed in the CTU.

PHMSA proposes splitting the single entry for UN3536 into three separate entries with separate UN numbers, consistent with revisions in the UNMR. This will more precisely communicate the battery chemistries being

[37] UNECE, *New entry for UN 2862 VANADIUM PENTOXIDE, non-fused form, with packing group II—an amendment to proposal 1 in document ST/SG/AC.10/C.3/2024/80* (Nov. 22, 2024), available at: *https://unece.org/sites/default/files/2024-11/UN-SCETDG-65-INF48e.pdf.*

[38] UNECE, *Adequate UN entry for 2,4-Dichlorophenol with a possible solution for all chlorophenols—revised proposal,* available at: *https://unece.org/sites/default/files/2023-11/UN-SCETDG-63-INF55e.pdf* (Nov. 30, 2023).

[39] Cal. Dept. of Transp., *Caltrans Statement on San Bernardino County I–15 Fire,* available at: *https://dot.ca.gov/news-releases/news-release-2024-027* (Jul. 28, 2024).

transported in CTUs and allow transport provisions and emergency response measures tailored to each chemistry. To minimize impacts to shippers, PHMSA proposes to keep CTUs containing lithium ion batteries assigned to UN3536 and to establish two new entries for CTUs containing lithium metal batteries and sodium ion batteries; specifically, ''UN3563, Lithium metal batteries installed in cargo transport unit'' and ''UN3564, Sodium ion batteries installed in cargo transport unit.'' In addition, the existing entry UN3536 PSN would be revised to reference lithium ion only.

Finally, PHMSA proposes a conforming revision to Special Provision 389, which is assigned to UN3536 and will be assigned to the new entries. In Special Provision 389, PHMSA proposes to clarify that the PSN selected should reflect the primary battery chemistry type used in the CTU and that the use of multiple chemistries must be identified for emergency response purposes. These amendments will enhance safety and emergency response effectiveness by clearly distinguishing battery chemistries through separate UN numbers and additional information, ensuring responders have accurate information during incidents.

Revisions to the HMT Columns of Information

Below are revisions to the HMT columns of information not otherwise mentioned in other sections of this NPRM:

Column (1) Symbols

Section 172.101(b) describes column (1), which may contain one of six symbols: ''+'', ''A'', ''D'', ''G'', ''I'' and ''W''. The letter ''G'' identifies proper shipping names for which one or more technical names of the hazardous material must be entered in parentheses in association with the basic description. As described in the above discussion on chlorophenols, PHMSA proposes to add the symbol ''G'' to the existing entries for solid chlorophenols (UN2020) and liquid chlorophenols (UN2021). This would align with the UNMR in identifying a technical name for these toxic materials (Division 6.1) to assist with identifying emergency response and appropriate first aid measures.

Column (2) Hazardous Materials Descriptions and Proper Shipping Names

Section 172.101(c) describes column (2) of the HMT and the requirements for hazardous materials descriptions and PSNs. PHMSA discusses numerous proposed changes as follows:

(1) As described in the above discussion on the new HMT entries for chlorophenols, PHMSA proposes to amend the PSNs for the existing entries solid chlorophenols (UN2020) and liquid chlorophenols (UN2021). The amendments would add the text ''toxic'' and ''n.o.s.'' for consistency with the new entries for chlorophenols that also exhibit a corrosive hazard (UN3561 and UN3562) and describe the hazards more accurately within the chlorophenols chemical group.

(2) As described in the above discussion on the new HMT entries for lithium metal and sodium ion batteries installed in CTUs, PHMSA proposes to amend the existing entry for ''UN3536, Lithium batteries installed in cargo transport unit.'' The amendment would include the text ''ion'' as part of the PSN.

(3) PHMSA proposes to add ''Heating machines'' to the existing PSN for both ''UN2857, Refrigerating machines, *containing non-flammable, non-toxic gases, or ammonia solutions*'' and ''UN3358, Refrigerating machines, *containing flammable, non-toxic, liquified gas.*'' Refrigerating machines currently transported under these entries when containing up to 12 kg of gas may be excepted from the requirements of the HMR if they meet the conditions in 49 CFR 173.307(a)(4). Heat pumps and electrical devices that are part of a typical heating and cooling system work in the same manner and present the same hazard as refrigerating machines. This revision will add regulatory clarity by identifying heating machines as eligible for exception from regulation similar to refrigerating machines.

(4) PHMSA proposes to remove the existing entry for ''UN2941, Fluoroanilines, 6.1, PG III.'' Fluoroanilines comprise a group of substances derived from aniline and fluorobenzene. A review of 19 fluoroanilines demonstrated varying characteristics, resulting in classifications other than Division 6.1 or, in some cases, a non-hazardous determination. To align with the UNMR and to describe chemicals in the fluoroaniline group more appropriately, PHMSA proposes replacing the current entry with a listing of the most frequently transported fluoroanilines (2,4-Difluoroaniline, 2-Fluoroaniline, 4-Fluoroaniline, o-Fluoroaniline, and p-Fluoroaniline) with references to the most appropriate general hazardous material description entry (*i.e.,* a n.o.s. entry). For example, 2,4-Difluoroaniline will be directed to the HMT entry ''Toxic, liquids, organic, n.o.s.'' for authorized packaging and transport requirements.

Column (6) Label Codes

Section 172.101(g) describes column (6) of the HMT, which contains label codes representing the hazard warning labels required for a package filled with a material conforming to the associated hazard class and PSN, unless the package is otherwise excepted from labeling. The first code is indicative of the primary hazard of the material. Additional label codes are indicative of subsidiary hazards. PHMSA summarizes changes to HMT entry label codes based on indicative data presented to the UNSCOE TDG as follows:

(1) Ethylene oxide, a toxic gas, also meets criteria for being corrosive to skin necessitating the addition of Class 8 subsidiary hazard to ''UN1040, Ethylene oxide, 2.3 (2.1) *or* Ethylene oxide with nitrogen,'' ''UN1041, Ethylene oxide and carbon dioxide mixture *with more than nine percent but not more than 87 percent ethylene oxide,* 2.1'' and ''UN3300, Ethylene oxide and carbon dioxide mixture *with more than 87 percent ethylene oxide,* 2.3 (2.1).'' [40]

(2) Ammonium hydrogendifluoride, a corrosive solid, also meets criteria for oral toxicity at the PG III level, necessitating the addition of the Division 6.1 subsidiary hazard to ''UN1727, Ammonium hydrogendifluoride, solid, 8.'' [41]

(3) 1,2-Di-(dimethylamino)ethane, a flammable liquid, also meets criteria for corrosivity at the PG II level and oral toxicity and inhalation toxicity at the PG III and PG II levels, respectively, necessitating the addition of Class 8 and Division 6.1 subsidiary hazards to ''UN2372, 1,2-Di-(dimethylamino)ethane, 3.'' [42]

Column (7) Special Provisions

Section 172.101(h) describes column (7) of the HMT, which assigns special provisions for each HMT entry. Section

[40] UNECE, *Proposal to add class 8 as subsidiary hazard to UN 1040, UN 1041 and UN 3300,* available at: *https://unece.org/sites/default/files/2023-10/ST-SG-AC10-C3-2023-39E.pdf* (Sept. 6, 2023).

[41] UNECE, *Proposal to add class 8 as subsidiary hazard to UN 1040, UN 1041 and UN 330,* available at: *https://unece.org/sites/default/files/2023-10/ST-SG-AC10-C3-2023-39E.pdf* (Sept. 6, 2023); UNECE, *Additional information to document ST/SG/AC.10/C.3/2023/42—Classification of UN 1727 AMMONIUM HYDROGENDIFLUORIDE, SOLID,* available at: *https://unece.org/sites/default/files/2023-11/UN-SCETDG-63-INF45e_0.pdf* (Nov. 27, 2024).

[42] UNECE, Classification and transport of UN 2372 (1,2-di-(dimethylamino) ethane), available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-106E.pdf* (Sept. 13, 2023).

172.102 provides for the meaning and requirements of the special provisions assigned to entries in the HMT. The proposed revisions to column (7) of certain entries in the HMT are discussed below.

(1) For ''UN1544, Alkaloids, solid, n.o.s. *or* Alkaloid salts, solid, n.o.s.'' and ''UN3140, Alkaloids, liquid, n.o.s., *or* Alkaloid salts, liquid, n.o.s.,'' PHMSA proposes to assign new Special Provision, A239, to provide an exception to the technical name requirement for these substances when such disclosure is prohibited.

(2) For ''UN2029, Hydrazine, anhydrous,'' PHMSA proposes to assign two special provisions: (1) Existing Special Provision 74, which requires that the material be protected from direct sunshine and be stored or kept in a cool and well-ventilated place away from all sources of heat; and (2) New Special Provision 601, which states that when a pressure receptacle is used the internal pressure at 65 °C shall not exceed the test pressure.

(3) For the proposed revised entries ''UN2857, Refrigerating machines *or* heating machines, 2.2'' and ''UN3358, Refrigerating machines *or* heating machines, 2.1,'' PHMSA proposes to assign new Special Provision 75, which authorizes machines that are used to perform heating and cooling functions to be transported either under entry ''Refrigerating machines'' or ''Heating machines.''

(4) For ''UN2372, 1,2-Di-(dimethylamino)ethane,'' PHMSA proposes to revise the portable tank code from T4 to T7. This is consistent with the subsidiary hazards proposed for this material (*see* proposed amendments to Column (5) above) and follows the UN Guiding Principles for the Development of the UN Model Regulations for a Class 3, PG II material with a Division 6.1 or Class 8 subsidiary hazard. In addition, consistent with the UNMR, PHMSA proposes to assign portable tank Special Provision TP28, which allows a deviation from the test pressure requirements and transport in portable tanks with a minimum test pressure of 2.65 bar. This means that depending on applicable portable tank requirements, transport in T4 portable tanks may continue as currently authorized.

(5) For ''UN2735, Amines, liquid, corrosive, n.o.s. *or* Polyamines, liquid, corrosive, n.o.s., 8,'' in the PG II entry, PHMSA proposes to revise the portable tank Special Provision from TP1 to TP2. This amendment was brought forward by the IMO to the UNSCOE TDG, and it was agreed that TP2 is consistent with the Guiding Principles for the Development of the UN Model Regulations for Class 8, PG II liquids and applies the most appropriate maximum degree of filling of the portable tank with these materials.

(6) For ''UN3563, Lithium metal batteries installed in cargo transport unit'' and ''UN3564, Sodium ion batteries installed in cargo transport unit,'' PHMSA proposes to assign Special Provision 389. Special Provision 389 prescribes requirements for lithium and sodium ion batteries installed in a CTU and designed only to provide power external to the CTU.

(7) For the following entries: ''UN3556, Lithium metal batteries installed in cargo transport unit,'' ''UN3564, Sodium ion batteries installed in cargo transport unit,'' ''UN3537, Articles containing flammable gas, n.o.s.,'' ''UN3171, Battery-powered vehicle or Battery-powered equipment,'' ''UN3363, Dangerous good in articles or Dangerous good in machinery or Dangerous good in apparatus,'' ''UN3529, Engine, internal combustion, flammable gas powered or Engine, fuel cell, flammable gas powered or Machinery, internal combustion, flammable gas powered or Machinery, fuel cell, flammable gas powered,'' ''UN3528, Engine, internal combustion, flammable liquid powered or Engine, fuel cell, flammable liquid powered or Machinery, internal combustion, flammable liquid powered or Machinery, fuel cell, flammable liquid powered,'' ''UN3530, Engine, internal combustion or Machinery, internal combustion,'' ''UN3072, Life-saving appliances, not self-inflating containing dangerous goods as equipment,'' ''UN2990, Life-saving appliances, self-inflating,'' ''UN3536, Lithium batteries installed in cargo transport unit lithium ion batteries or lithium metal batteries,'' ''UN3166, Vehicle, flammable liquid powered or Vehicle, fuel cell, flammable liquid powered,'' ''UN3556, Vehicle, lithium ion battery powered,'' ''UN3557, Vehicle, lithium metal battery powered,'' and ''UN3558, Vehicle, sodium ion battery powered,'' PHMSA proposes to assign Special Provision 180 to facilitate the transportation of articles and equipment containing damaged or defective lithium ion or sodium ion batteries.

(8) For the following entries: ''UN3480, Lithium ion batteries,'' ''UN3481, Lithium ion batteries contained in equipment,'' ''UN3481, Lithium ion batteries packed with equipment,'' ''UN3551, Sodium ion batteries,'' ''UN3552, Sodium ion batteries contained in equipment,'' ''UN3552, Sodium ion batteries packed with equipment,'' ''UN3563, Lithium metal batteries installed in cargo transport unit,'' and ''UN3564, Sodium ion batteries installed in cargo transport unit,'' PHMSA proposes to assign new Special Provision 410, establishing requirements for transportation of hybrid batteries—*i.e.,* those batteries containing both lithium ion and sodium ion cells.

(9) For ''UN3538, Articles containing non-flammable, non-toxic gas, n.o.s.,'' PHMSA proposes to assign new Special Provision 411, which sets out conditions for transportation of an MRI scanner with hazardous materials components.

(10) For ''UN1075, Petroleum gases, liquefied *or* Liquefied petroleum gas,'' and ''UN1965, Hydrocarbon gas mixture, liquefied, n.o.s.,'' PHMSA proposes to assign new Special Provision 412, which authorizes the use of these entries for transportation of liquefied petroleum gas (LPG) blended with up to 12 percent by mass of ''UN1033, Dimethyl ether.''

(11) For the following entries (that are also marine pollutants): ''UN1599, Dinitrophenol solutions,'' ''UN1761, Cupriethylenediamine solution,'' ''UN1897, Tetrachloroethylene,'' ''UN2046, Cymenes,'' ''UN2052, Dipentene,'' ''UN2235, Chlorobenzyl chlorides, liquid,'' ''UN2279, Hexachlorobutadiene,'' ''UN2315, Polychlorinated biphenyls, liquid,'' ''UN2321, Trichlorobenzenes, liquid,'' ''UN2433, Chloronitrotoluenes, liquid,'' ''UN2504, Tetrabromoethane,'' ''UN2514, Bromobenzene,'' ''UN2515, Bromoform,'' ''UN2518, 1,5,9-Cyclododecatriene,'' and ''UN3408, Lead perchlorate, solution,'' PHMSA proposes to revise the assignment of portable tank Special Provision TP1 to TP2. Provision TP2 authorizes a slightly lower degree of filling than TP1. The IMDG Code follows a guiding principle that assigns TP2 to materials that are marine pollutants, necessitating the change.

Column (8) Packaging

Section 172.101(i) explains the purpose of column (8) in the HMT. Columns (8A), (8B), and (8C) specify the applicable sections for exceptions, non-bulk packaging requirements, and bulk packaging requirements, respectively. Columns (8A), (8B), and (8C) are completed in a manner which indicates that ''49 CFR 173'' precedes the designated numerical entry. Column (8A) contains exceptions from some of the requirements of the HMR. The referenced exceptions are in addition to those specified in subpart A of part 173 and elsewhere in the HMR. The word

''None'' in this column means no packaging exceptions are authorized, except as may be provided by special provisions in column (7).

For ''UN2956, 5-tert-Butyl-2,4,6-trinitro-m-xylene *or* Musk xylene,'' PHMSA proposes to revise Column (8A) by replacing ''151'' with ''None'' to eliminate the limited quantity authorization for this entry. The IMO informed the UNSCOE TDG about a discrepancy between the IMDG Code and the UNMR concerning the provision for limited quantities of UN2956. Specifically, the UNMR currently authorizes limited quantity transport of UN2956 when the inner packaging does not exceed five kg. In contrast, the IMDG Code does not authorize transport of musk xylene under limited quantity provisions. In addition, Special Provision 133, assigned exclusively to UN2956 in both the UNMR and the IMDG Code, notes that this substance may exhibit explosive behavior if over-confined in packagings. The associated Packing Instruction P409 in both the UNMR and the IMDG Code (aligned with 49 CFR 173.223 of the HMR) requires packaging that is designed to prevent over-confinement. However, Packing Instruction P409 (49 CFR 173.223) is not applicable in the context of hazardous materials packed in limited quantities, as limited quantities generally provide relief from the performance packaging requirements. Based on these considerations, PHMSA proposes to align with the IMDG Code and revise the HMT entry for UN2956 accordingly to not authorize transportation as a limited quantity material.

Column (10) Vessel Stowage

Section 172.101(k) explains the purpose of column (10) of the HMT and prescribes the vessel stowage and segregation requirements for specific entries. Column (10) is divided into two columns: column (10A) [Vessel stowage] specifies the authorized stowage locations on board cargo and passenger vessels; and column (10B) [Other provisions] specifies special stowage and segregation provisions. The meaning of each code in column (10B) is set forth in 49 CFR 176.84.

Consistent with changes adopted in the IMDG Code, PHMSA proposes to revise the stowage code for the ''UN2203, Silane'' by revising column (10A) from Category E to Category D. This aligns with the entry ''UN3553, Disilane'' assigned to Category D on the basis that silane gas is also pyrophoric and that on deck only stowage is most appropriate.

For the entry ''UN2225, Benzene sulfonyl chloride,'' PHMSA proposes to assign codes 53 and 58 in Column (10B) requiring stowage ''separated from'' alkaline compounds and cyanides, respectively. This aligns the stowage segregation provisions for UN2225 with all other entries in the IMDG Code assigned to the Segregation Group Code 1, applicable to acids. Finally, in development of this NPRM related to the new PG II entry for ''UN2862, Vanadium pentoxide,'' PHMSA discovered that the existing PG III entry is assigned stowage code 40, ''Stow clear of living quarters,'' but this stowage code is not assigned to either the existing PG III entry or the new PG II entry in the IMDG Code. Further, stowage code 40 is not generally assigned to Division 6.1 solids except for those with generic group names. Consistent with other entries in the HMT and the IMDG Code, PHMSA proposes to remove stowage code 40 from Column (10B) for the PG III entry of ''UN2862, Vanadium pentoxide.''

Section 172.102 (Special Provisions)

Section 172.102 lists special provisions assigned in column (7) of the HMT and applicable to the transportation of specific hazardous materials. Special provisions contain various provisions including packaging requirements, prohibitions, and exceptions applicable to particular quantities or forms of hazardous materials. PHMSA proposes the following additions and revisions to the special provisions in this section:

Special Provision 75

PHMSA proposes to adopt and to assign new Special Provision 75 to the proposed revised entries ''UN2857, Refrigerating machines *or* heating machines, 2.2'' and ''UN3358, Refrigerating machines *or* heating machines, 2.1.'' This special provision would provide a description of both refrigerating and heating machines consistent with UN Special Provision 119 and authorize machines that perform heating and cooling functions to be transported under either PSN, *i.e.* ''Refrigerating machines'' or ''Heating machines.''

Special Provision 135

Special Provision 135 is assigned to the HMT entries for certain vehicles and cargo transport units to indicate selection of the appropriate HMT entry. The special provision currently states that hybrid electric vehicles with wet, sodium, or lithium batteries installed that are also powered by an internal combustion engine must be described as ''Vehicle, flammable gas powered,'' ''Vehicle, flammable liquid powered,'' ''Vehicle, fuel cell, flammable gas powered,'' or ''Vehicle, fuel cell, flammable liquid powered,'' as appropriate. As only wet, sodium, and lithium batteries are referenced in the special provision, hybrid electric vehicles using other battery chemistry types, such as nickel-metal hydride batteries, have been refused for transport by carriers when described under the above entries. Consistent with how wet, sodium, or lithium batteries are treated when installed in a vehicle, PHMSA is proposing to expand the list of hybrid electric vehicle battery types to include wet, nickel-metal hydride, metallic sodium, sodium alloy, lithium metal, lithium ion, sodium ion, or hybrid batteries.

In addition, CTUs containing lithium batteries are currently required to be transported under the PSN ''Lithium batteries installed in cargo transport unit.'' Due to the increasing usage of CTUs using different chemistry types, PHMSA proposes to revise this special provision to require that CTUs containing lithium ion or sodium ion batteries to be described with appropriate shipping description.

Finally, PHMSA proposes to clarify that vehicles powered solely by lithium ion, lithium metal, or sodium ion batteries must be assigned to ''UN3556, Vehicle, lithium ion battery powered,'' ''UN3557, Vehicle, lithium metal battery powered,'' or ''UN3558, Vehicle, sodium ion battery powered vehicle,'' respectively, and that vehicles powered solely by hybrid batteries containing both lithium ion cells and sodium ion cells can be described for transportation as ''UN3556, Vehicle, lithium ion battery powered.''

Special Provision 136

Special Provision 136 is assigned to the HMT entry ''UN3363, Dangerous Goods in Articles *or* Machinery *or* Apparatus, Class 9'' and specifies the eligibility and conditions for use of this classification and description. PHMSA proposes to authorize the inclusion of small lithium ion or sodium ion cells or batteries shipped as dangerous goods in articles, machinery, or apparatus. A submission to the UNSCOE TDG noted that the e-commerce shift from business-to-business to direct-to-consumer delivery, combined with the widespread use of small lithium batteries installed in everyday goods, is leading to an increase in articles that contain both batteries and other limited amounts of

hazardous materials.[43] But existing provisions do not presently allow for classification and description of these products under UN3363.

Materials shipped under UN3363 are restricted to those authorized for transport in limited quantities, and lithium ion and sodium ion batteries are ineligible for transport under the limited quantity provisions. The HMT entries for lithium batteries contained in equipment, UN3481 or UN3091, exclude other hazardous materials. Further, the HMT entries for articles of UN3537, UN3540, UN3541, and UN3548 are intended to address larger quantities of hazardous materials containing more than the limited quantity thresholds and are not permitted for air transport without competent authority approval. The UNSCOE TDG proposal noted that this encourages misdeclaration, though there is no evidence that misdeclared consumer products containing small amounts of hazardous materials and small lithium ion and sodium ion cells and batteries present an unacceptable risk in transportation.

PHMSA proposes to revise Special Provision 136 to specify ''UN3363, Dangerous Goods in Articles or Machinery or Apparatus'' may additionally contain lithium cells or batteries or sodium ion cells or batteries, provided the cells or batteries provide electrical power for their operation and meet the requirements prescribed in 49 CFR 173.185(a) and (c). For additional information, also see discussion on corresponding revisions to 49 CFR 173.222.

Special Provision 160

Special Provision 160 is assigned to HMT entry ''UN3268, Safety devices, *electrically initiated,* 9,'' and outlines conditions and criteria for use of the entry. Special Provision 160 currently applies to safety devices such as vehicle air bag inflators and seat-belt pretensioners, but explicitly excludes devices associated with life-saving appliances regulated under 49 CFR 173.219. Consistent with the proposed changes in 49 CFR 173.219 that would authorize Class 9 safety devices as components in life-saving appliances, PHMSA proposes a corresponding revision to Special Provision 160. For example, an inflator unit designed for use in a wearable vest could be offered for transport as a UN3268 material because the vest is a ''safety device'' installed in a self-inflating, life-saving appliance. This revision would specify that using UN3268 is appropriate for Class 9 safety device component parts of a life-saving appliance when transported for installation in the life-saving appliance.

Special Provision 180

PHMSA proposes a new special provision assigned to articles, vehicles, or equipment containing damaged or defective batteries to facilitate the conditions for their transportation. Specifically, this proposed special provision would allow articles, vehicles, or equipment to continue to be transported under their original UN number, provided the damaged or defective batteries are either removed prior to transportation or the entire article, vehicle, or equipment is packaged and marked in accordance with the requirements in 49 CFR 173.185(f), which prohibits transport by aircraft. This proposed special provision also clarifies vehicles containing damaged or defective batteries shipped by vessel must still comply with the requirements in 49 CFR 176.905(a)(3).

Special Provision 196

Special Provision 196 states that nitrocellulose must meet the criteria of the Bergmann-Junk test or methyl violet paper test in the UN Manual of Tests and Criteria, Appendix 10. The requirements in this special provision are intended to ensure the stability of mixtures containing nitrocellulose by testing in accordance with Test Series 3(c) of the UN Manual of Tests and Criteria. The text as currently written in Special Provision 196 may be misinterpreted to apply only to listed items and not to all mixtures. To address concerns regarding full application of the special provision, PHMSA proposes to revise Special Provision 196 to ensure the exception from 3(c) testing only applies to dry or unmodified nitrocellulose.

Special Provision 360

Special Provision 360 specifies the applicable description and UN identification number for lithium ion and sodium ion batteries that power vehicles and for batteries installed in a CTU designed only to provide external power. Consistent with the proposal in this NPRM to split the existing single entry for ''UN3536, Lithium batteries installed in cargo transport'' into three separate UN identification numbers to account for the battery chemistry, PHMSA proposes to revise this special provision to specify that lithium and sodium ion batteries installed in CTUs must be described for transport using the corresponding new proposed entries, ''UN3536, Lithium ion batteries installed in a cargo transport unit,'' ''UN3563, Lithium metal batteries installed in cargo transport unit,'' or ''UN3564, Sodium ion batteries installed in cargo transport unit.'' This Special Provision would also indicate that CTUs installed with hybrid batteries, consistent with proposed new Special Provision 410 discussed below, must be described using the entry ''UN3536, Lithium ion batteries installed in a cargo transport unit.'' For more information on the new CTU HMT entries, refer to the 49 CFR 172.101 discussion in the *Section-by-Section Review.* These revisions ensure use of the most appropriate description, identification number, and transport provisions.

Special Provision 379

Special Provision 379 provides conditions for exception from full regulation under the HMR for anhydrous ammonia adsorbed or absorbed on a solid contained in ammonia dispensing systems or receptacles intended to form part of such systems. One condition is that receptacles containing adsorbed or absorbed ammonia must be made of a material compatible with ammonia as specified in ISO 11114–1:2020(E), (*Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials*). PHMSA proposes to revise language in Special Provision 379 to add a reference to an amendment to ISO standard 11114–1:2020(E); specifically, ISO 11114–1:2020/Amd 1:2023(E). The amendment to the 2020 edition updates a compatibility table in the standard for eight (8) specific gases.

Special Provision 388

Special Provision 388 prescribes requirements for lithium batteries containing both lithium metal cells and lithium ion cells that are not designed to be charged externally. The present text states the total lithium content of all lithium metal cells contained in the battery must not exceed 1.5 g and the total ''capacity'' of all lithium ion cells contained in the battery must not exceed 10 Wh. To align with the UNMR and to avoid confusion between electrical capacity (ampere-hours) and energy content (Wh), PHMSA proposes an editorial revision to the special provision by replacing the term ''capacity'' with ''watt-hour rating.''

[43] UNECE, *Proposal to allow articles classified as UN3363 to contain lithium batteries complying with Special Provision 188,* available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-91E.pdf* (Sept. 13, 2024).

Special Provision 389

Special Provision 389 provides packaging instructions and hazard communication requirements for ''UN3536, Lithium batteries installed in cargo transport unit.'' Consistent with the proposal in this NPRM to split the existing single HMT entry for UN3536 into three separate HMT entries, each having a unique UN identification number to account for various battery chemistries used in battery energy storage systems, PHMSA proposes to revise this special provision to clarify that it also applies to sodium ion batteries used in these systems, including hybrid batteries containing both lithium ion and sodium ion batteries (*see* Special Provision 410 below for further discussion of hybrid batteries).

Special Provision 401

Special Provision 401 specifies selection and use of sodium ion battery HMT entries. The HMT entries to which Special Provision 401 is presently assigned include ''UN3292, Batteries, containing metallic sodium *or* sodium alloy'' and ''UN3292, Cells, containing metallic sodium *or* sodium alloy.'' Consistent with the UNMR, PHMSA proposes to revise Special Provision 401 to indicate specifically that batteries containing metallic sodium or sodium alloy must be transported using the UN3292 identification number and the associated PSN.

Special Provision 410

PHMSA proposes to adopt and to assign new Special Provision 410 to establish requirements for transport of hybrid batteries (*i.e.,* batteries containing both lithium ion and sodium ion cells). Hybrid batteries are a new product type that consists of lithium ion and sodium ion cells connected in series. By combining the high energy density of lithium ion batteries with the low temperature adaptability of sodium ion batteries, hybrids are anticipated to see widespread use in the automotive and energy storage industries. Due to their intermediate energy density and the inability of the lithium ion cells to be discharged fully, hybrid batteries present a hazard profile similar to lithium ion batteries.

To facilitate safe transport, PHMSA proposes to require hybrid batteries to be tested and to be packaged in accordance with the provisions for lithium ion batteries. Specifically, each component lithium ion and sodium ion cell within the hybrid battery must be of the type proven to meet the criteria in part III, subsection 38.3 of the UN Manual of Tests and Criteria. PHMSA also proposes that hybrid batteries must be classified and described under the lithium ion battery entries, UN3480, UN3481, or UN3536, as appropriate. For UN 3556, see the proposed language in 172.102, Special Provision 135. Special Provision 410 would also clarify that when hybrid batteries are transported under the small battery provisions prescribed in 49 CFR 173.185(c), the Wh rating must not exceed 100 Wh and must be marked on the outer casing.

Special Provision 411

PHMSA proposes a new Special Provision 411 to facilitate the transportation of a recently developed type of magnetic resonance imaging (MRI) scanner. This new type of MRI scanner includes the use of new, superconductive magnets. These magnets contain helium that must be cooled to near absolute zero to achieve superconductivity of the coils. Traditional MRI scanners typically contain between 125 and 250 kg of refrigerated liquid helium and are classified and described as ''UN1963, Helium, refrigerated liquid.'' In contrast, the new MRI scanners use significantly less helium (1.5 kg). Due to this difference, UNSCOE determined that the UN1963 identification number is not the most appropriate description for these devices. In addition, since these MRI scanners contain components designed for cooling purposes, PHMSA proposes to provide the same exception currently applicable to refrigerating machines containing less than 12 kg of a non-flammable, non-toxic gas to include these devices. Specifically, Special Provision 411 will be assigned to the current HMT entry ''UN3538, Articles containing non-flammable, non-toxic gas, n.o.s,'' and would except MRI scanners with less than 12 kg of such gas from the requirements of the HMR when designed and constructed to prevent the risk of bursting or cracking of the components containing gas under normal conditions of transport. This special provision will support the safe global transport of MRI scanners, while applying a level of regulation appropriate to the hazard.

Special Provision 412

PHMSA proposes to adopt and to assign new Special Provision 412 to HMT entries ''UN1075, Petroleum gases, liquefied *or* Liquefied petroleum gas'' and ''UN1965, Hydrocarbon gas mixture, liquefied, n.o.s.'' to authorize the use of these entries for liquefied petroleum gas (LPG) containing up to 12 percent by mass of ''UN1033, Dimethyl ether.'' The LPG industry is transitioning to more sustainable sources like bio/renewable/recycled materials. This includes blending LPG with renewable or recycled dimethyl ether (DME), a clean-burning, low-carbon fuel compatible with existing LPG infrastructure. DME shares similar properties with LPG, making it feasible to blend up to 12 percent by mass without altering transport, filling, or hazard communication requirements. The flow capacity for pressure relief valves shows that if the valves are sized for LPG, they will also have the correct flow capacity for DME/LPG blends. Testing with blends of 20 percent DME (by mass in the liquid phase) with LPG shows that the materials used in the transport and storage chain are still suitable, affording the proposed 12 percent a safety factor.

Special Provision 413

PHMSA proposes to adopt and to assign new Special Provision 413 to HMT entry ''UN3082, Environmentally hazardous substance, liquid, n.o.s.'' This special provision would establish a quantity limit for physically dissolved hydrogen in liquid organic hydrogen carriers (LOHCs) to ensure safe transport conditions.

Hydrogen can be transported in several forms, including as a compressed gas under high pressure, as a refrigerated liquefied gas, or as chemically bound to liquid carrier substances known as LOHCs. For a substance to be an LOHC, it must be capable of chemically binding hydrogen. Depending on the degree of hydrogenation, one liter of LOHC can hold several hundred liters of hydrogen. The hydrogen can be released through a reversible chemical process, which requires a dedicated dehydrogenation catalyst and high temperatures (>250°C). The spontaneous release of chemically bound hydrogen during transport is not possible. During the process of binding hydrogen to the carrier, very small amounts may remain physically dissolved, not chemically bound, in the LOHC. These physically dissolved traces can potentially be released during transport due to changes in temperature or pressure, creating the risk of an explosive atmosphere. One of the substances that hydrogen can be chemically bound to is benzyltoluene, which is commonly classified and described for transport under UN3082.

To address the absence of a defined limit for the amount of physically dissolved hydrogen allowed in LOHCs, testing was conducted under extreme conditions to evaluate the potential for

an explosive atmosphere formation.[44] The test results demonstrated that only untreated samples under extreme conditions showed a minor risk of ignition; in all other cases, no ignition occurred. The tests showed the effectiveness of treatment procedures such as inertization with nitrogen. Using the definition for Division 4.3 materials as a reference—substances that emit flammable gas at a rate exceeding one L/kg per hour when in contact with water—a more conservative limit of 0.5 L/kg per hour was adopted. Proposed Special Provision 413 would require that LOHCs classified and described under UN3082 may only be transported if the amount of physically dissolved hydrogen does not exceed 0.5 L of hydrogen/kg of LOHC. Transporting hydrogen using LOHCs offers a potentially safer alternative to conventional methods.

Special Provision 601

PHMSA proposes to adopt and to assign new Special Provision 601 to HMT entry ''UN2029, Hydrazine, anhydrous, 3.'' This special provision would restrict the pressure in a cylinder at 65 °C to not more than the test pressure. Currently, 49 CFR 173.201 is assigned to UN2029 for authorized packaging and allows use of cylinders conforming to the general packaging requirements of 49 CFR part 173, subpart B and the requirements of 49 CFR part 178 at the PG I performance level. The provisions in 49 CFR 173.201 do not contemplate industry practice of using inert gas under pressure for the transport of anhydrous hydrazine. The proposed pressure limit was adopted into the UNMR to address concerns regarding over-confinement of the anhydrous hydrazine and to ensure the strength of the packaging is sufficient for transport.[45]

Special Provision A53

Special Provision A53 applies to refrigerating machines and to refrigerating machine components containing a non-flammable gas or ammonia solution. Consistent with the proposed revision to add ''heating machines'' to the PSN for UN2857, PHMSA is proposing to revise Special Provision A53 to apply to both refrigerating machines and heating machines.

Special Provision A225

Special Provision A225 applies to the transportation of ''UN3538, Articles containing non-flammable, non-toxic gas, n.o.s.'' on passenger and cargo-only aircraft. PHMSA proposes to revise the provision to include sodium ion batteries in addition to lithium batteries that are currently authorized.

Special Provision A239

PHMSA proposes to add and to assign new Special Provision A239 to HMT entries for ''UN1544, Alkaloids, solid, n.o.s. *or* Alkaloid salts, solid, n.o.s.'' and ''UN3140, Alkaloids, liquid, n.o.s., *or* Alkaloid salts, liquid, n.o.s.'' Air transport is used for controlled substances to expedite delivery by minimizing transit time and mitigating security risks such as theft. Currently, 49 CFR 172.203(k) requires a technical name to be included in association with ''n.o.s.'' PSNs. But the disclosure of the specific chemical identity for certain controlled substances may be prohibited by national law or international convention or may pose significant security risks during transport. Consistent with the ICAO Technical Instructions amendment, this new special provision would provide an exception to the technical name requirement for these substances when such disclosure is prohibited.

IB and IP Codes

Consistent with changes proposed for 49 CFR 173.232, PHMSA proposes to revise the paragraph (c)(4) introductory text by adding reference to 49 CFR 173.232 for authorized use of large packagings for articles without having to assign IP codes to corresponding entries in the HMT.[46]

Special Provision TP43

PHMSA proposes to add Special Provision TP43 to the list of portable tank ''T'' codes and assign it to proposed the new PG II HMT entry for ''UN2862, Vanadium Pentoxide.'' TP43 would provide continue use of portable tank instruction T1 until December 31, 2028. This is consistent with the PG III HMT entry for ''UN2862, Vanadium Pentoxide, nonfused form,'' which is assigned T1. This temporary alignment ensures regulatory continuity for the transport of UN2862 in portable tanks while allowing time for any needed technical or administrative adjustments associated with the reassignment to PG II. *See* Section B above for further discussion of the change's association with the HMT entry for vanadium pentoxide.

Section 172.202

Section 172.202 details the requirements for the description of hazardous materials on shipping papers with paragraph (a)(6) specific to requirements applicable to transportation by aircraft. In paragraph (a)(6)(iii), PHMSA proposes to add ''articles'' to the existing references of ''machinery'' and ''apparatus.'' This is consistent with an editorial revision to the ICAO Technical Instructions as all three phrases are assigned to ''UN3363, Dangerous goods in articles *or* Dangerous goods in machinery *or* Dangerous goods in apparatus.''

C. Part 173

Section 173.2a

Section 173.2a provides instructions on the classification of a material having more than one hazard. PHMSA proposes to revise Note 2 to 49 CFR 173.2a to clarify classification of a material that is both corrosive and toxic. Specifically, PHMSA is correcting Note 2 to state that for Class 8 to take precedence both dermal toxicity and oral toxicity must be in the range of PG III or less. If either the dermal toxicity or the oral toxicity is not in the range of PG III or less (*i.e.,* either is in PG I or II), then Division 6.1 takes precedence. This clarification ensures the appropriate primary hazard classification of materials that exhibit both corrosive and toxic hazards and harmonizes with changes in the UNMR.

Section 173.14

Section 173.14 provides exceptions from the HMR for certain devices or equipment, such as data loggers and cargo tracking devices, containing hazardous materials that are in use or which are intended for use during transport. These items are often powered by hazardous materials, such as lithium cells or batteries, which are necessary to power the device or equipment. PHMSA proposes to revise 49 CFR 173.14 to allow sensors, in addition to data logger and cargo tracking devices, to be transported under the provisions in this section in alignment with the UNMR changes. PHMSA notes that although the ICAO Technical Instructions did not make this revision, adding the term sensor is still appropriate. PHMSA also proposes to revise 49 CFR 173.14 to allow for

[44] UNECE, *Transport of liquid organic hydrogen carriers—new special provision to UN 3082,* available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-73E.pdf* (Sept. 6, 2024); UNECE, *Transport of liquid organic hydrogen carriers—new special provision to UN 3082—additional information,* available at: *https://unece.org/sites/default/files/2024-09/UN-SCETDG-65-INF05e.pdf* (Sept. 16, 2024).

[45] UNECE, *Provisions for UN 2029 Hydrazine Anhydrous,* available at: *https://unece.org/sites/default/files/2024-09/ST-SG-AC10-C3-2024-102E.pdf* (Sept. 13, 2024).

[46] *See* 49 CFR 173.232 for a detailed discussion of the authorization of large packagings for articles.

devices and equipment to be powered by sodium ion batteries. Finally, PHMSA is proposing to revise current reference to ''equipment'' to a more general term of ''device'' for consistency within the section.

Section 173.32

Section 173.32 outlines the requirements for the use of portable tanks. PHMSA proposes to revise the loading requirements in 49 CFR 173.32(f)(5) to change terminology from ''ullage condition'' to ''filling condition.'' A working group on the harmonization of European regulations for transport of hazardous materials by highway, rail, and inland waterways with the UNMR recommended use of the term ''filling condition'' for consistency with terminology throughout the UNMR. PHMSA agrees that this minor clarifying amendment makes it easier to understand the provision and avoid unintentional hydraulic force within a portable tank due to the surge caused by incorrect filling.

Section 173.62

Section 173.62 provides specific packaging requirements for explosives. PHMSA proposes to revise Table 2 to paragraph (c)(5) ''Table of Packing Methods'' by updating Packing Instruction (PI) 130. The revision would clarify that cartridges classified and described under ''UN0012, cartridges, small arms'' and ''UN0014, Cartridges, small arms, blank'' may be packed in metal containers without inner packaging. PI 130 is currently assigned to ''UN0012, cartridges, small arms'' and to ''UN0014, Cartridges, small arms, blank'' which consist of metal components. PI 130 does not require inner or intermediate packaging and authorizes outer packagings, including boxes and drums made of aluminum, steel, and other metals. But 49 CFR 173.60(b)(3), which corresponds to a Class 1 special packing provision in the UNMR, creates an inconsistency in the regulations by requiring that metallic components of articles, such as small arms cartridges, must be prevented from making contact with metal packagings.

Two sessions of the Explosives Working Group of the UNSCOE TDG discussed this topic. The group evaluated the potential for the buildup of static electricity between metals posing an ignition risk and concluded the risk is negligible. Acknowledging that preventing metal-to-metal contact represents best practices in packaging explosives for transport, several experts recognized that transporting bulk ammunition in metal containers without inner packaging has been standard military practice for decades. No incidents related to this packing method have been reported by explosives experts. This is further supported by extensive experience in the United States, where small arms cartridges are often transported loose in metal outer packaging, allowing metal-to-metal contact. The proposed revision will resolve the inconsistency and clarify a widely accepted and historically safe packaging method for cartridges under UN0012 and UN0014.

Section 173.125

Section 173.125 outlines the criteria for assigning packing groups to Class 4 materials. PHMSA proposes to revise PG III criteria for Division 4.2 materials to clarify that the volume applies to the internal volume of the packaging and not to the external volume. This clarification would aid in ensuring appropriate PG assignment and harmonizes with revisions in the UNMR.

Section 173.166

Section 173.166 prescribes transportation requirements for safety devices. To align with proposed changes to Special Provision 160 authorizing safety devices as components in life-saving appliances, PHMSA proposes amending the introductory text of this section to include the term ''life-saving appliances'' along with a corresponding example. PHMSA also proposes to include reference that safety devices include the term ''Safety device, pyrotechnic.''

Section 173.185

Section 173.185 prescribes requirements for transportation of lithium cells and batteries. Paragraph (c) prescribes requirements for smaller cells or batteries and paragraph (c)(3) specifies the requirements for the use of the battery mark. Packages containing only button cell batteries installed in equipment (including circuit boards) or consignments of not more than four cells or two batteries contained in equipment are not required to bear the battery mark. Consistent with the UNMR, PHMSA proposes to clarify that any button cells contained in equipment do not count toward the consignment limits. In paragraph (c)(3)(i), PHMSA also proposes to clarify that the UN identification number for button cells is not required on the battery mark when equipment contains one or more button cells in addition to cells or batteries, such as in the case of laptop computers.

Further, PHMSA proposes to clarify the required location of the battery mark on packages that also require other hazard labels. Currently, when both the battery mark and labels representing other hazards (*i.e.,* non-battery hazards) are required on the same package, there is no requirement they be placed on the same surface of the package. This can lead to inconsistent placement, such as the battery mark on one side of a package and the non-battery hazard label on another side, potentially resulting in misinterpretation of the full hazard in the package during transport or incident response. To reduce the risk that the hazard represented by the battery mark or other hazard label is overlooked, PHMSA proposes a new paragraph (c)(3)(iv) to prescribe that when a package requires both the battery mark and hazard labels (other than the Class 9 lithium ion or sodium ion battery label), the battery mark must be placed on the same surface of the package as the labels if the package dimensions are adequate. This proposed revision ensures that all hazards associated with packages containing batteries are clearly visible.

Section 173.219

Section 173.219 prescribes the transport conditions and packaging requirements for life-saving appliances. PHMSA proposes to authorize self-inflating protective equipment including those containing a small pyrotechnic device as a lifesaving appliance. These pyrotechnic devices rapidly release a compressed gas to inflate an airbag in a crash situation. A proposal to the UNSCOE TDG initially focused on the appropriate classification applicable to wearable airbag systems for motorcyclists. A more general approach was appropriate as there are other devices used in similar applications involving the same principles (*e.g.,* small gas cylinders, sensors, and an activation charge).[47] Consistent with Special Provision 296 of the UN Model Regulations, in paragraph (a), PHMSA proposes to add a non-exhaustive list of lifesaving appliance examples including the term ''self-inflating protective equipment.'' The term is broad, covering not just motorcycle wearable airbag systems but also other inflatable safety devices, and is intended to allow flexibility to accommodate various current and future technologies that protect individuals by inflating on demand.

In addition, PHMSA proposes to revise paragraph (b)(6) to authorize self-inflating lifesaving appliances (UN2990)

[47] UNECE, *Wearable airbag system,* available at: *https://unece.org/sites/default/files/2024-10/ST-SG-AC10-C3-2024-71E.pdf* (Sept. 5, 2024).

to include installed Class 9 safety devices (UN3268), provided the explosive component of the safety device does not exceed 3.2 grams, consistent with the existing authorization for installed Division 1.4S cartridges, power device. *See* Section 172.102, Special Provision 160 above for further discussion.

Section 173.220

Section 173.220 prescribes transportation requirements and exceptions for internal combustion engines, vehicles, machinery containing internal combustion engines, battery-powered equipment or machinery, and fuel cell-powered equipment or machinery. PHMSA proposes to amend paragraph (h) that contains exceptions to the general transport requirements to require marks and labels for packaged vehicles powered by lithium ion batteries, lithium metal batteries, and sodium ion batteries under the entries (UN3556, UN3557, and UN3558, respectively). This amendment would require packaged electric vehicles to meet the marking and labeling requirements of subparts D and E of part 172. This is largely consistent with marking and labeling requirements for packaged equipment containing lithium ion or sodium ion batteries.

Section 173.222

Section 173.222 specifies the packaging requirements for ''UN3363, Dangerous goods in machinery *or* articles *or* apparatus.'' In conjunction with the proposed revision to Special Provision 136 authorizing the articles to contain lithium ion and sodium ion cells or batteries and small quantities of hazardous materials, PHMSA proposes to add paragraph (b)(4) to clarify that cells and batteries must be protected from damage and short circuit, and that the article must be equipped with an effective means of preventing accidental activation. In addition, PHMSA clarifies in paragraph (c) that quantities specified in paragraphs (c)(1) and (c)(2) do not apply to any installed cells or batteries as they are limited to providing electrical power for the operation of the article. *See* Section 172.102, Special Provision 136 above for further discussion.

Finally, consistent with a revision to the UNMR, PHMSA proposes to amend paragraph (a) to clarify that, if the articles contain more than one item of hazardous materials and these items could react dangerously with one another during transport, each of the hazardous materials must be enclosed separately. This revision would use the existing text in 49 CFR 173.232 to align with the text for articles under UN identification numbers 3537–3548 and UN3363 when containing more than one hazardous material.

Section 173.224

Section 173.224 outlines the packaging and control and emergency temperatures for self-reactive materials. PHMSA proposes to clarify paragraph (a) to emphasize that, ''[t]o avoid the unnecessary confinement *of liquids,* metal packagings meeting hydrostatic test pressure criteria at the Packing Group I must not be used [emphasis added].'' PHMSA notes that the shipper should consult with the packaging manufacturer to verify that the metal packaging does not meet the pressure test criteria at the PG I level.

Furthermore, paragraph (c) of this section prescribes requirements for new self-reactive materials, formulations, and samples. PHMSA proposes to add a new paragraph (c)(5) with provisions addressing transportation of samples of potentially explosive or self-reactive substances in quantities of up to 200 grams for solids or 200 mL for liquids per outer package when supporting data for classification is unknown. These substances usually consist of organic molecules that are active ingredients, building blocks, or intermediates for pharmaceutical or agricultural chemicals. The molecules of the substances often possess chemical functional groups listed in Tables A6.1 and/or A6.3 in Annex 6 (Screening Procedures) of the UN Manual of Tests and Criteria, which would indicate explosive or self-reactive properties, though these substances are not designed with explosive intent.

This amendment is necessary to facilitate transport of these materials during research and development because often there is not enough material available for classification testing or the cost of testing is otherwise prohibitive. Typical quantities of material handled in this phase are small, ranging from 10 to 100 grams. The existing provisions for samples of self-reactive materials do not necessarily satisfy the quantity needs or require classification test data that is unavailable. The International Group of Experts for Unstable Substances: Energetic and Oxidizing Substances (IGUS EOS Working Group) and the Explosives Working Group of the UNSCOE TDG reviewed the proposed criteria. Decomposition energy and the onset of decomposition can be determined by differential scanning calorimetry (DSC), a thermal analysis method using very small amounts of a material. The results of decomposition energy analysis show that salts and complexes of organic compounds with energies of less than 1,500 J/g, or other organic substances with energies of less than 2,000 J/g, would not be more dangerous than a self-reactive material of Type B. Therefore, no further testing is required. For energy thresholds more than 1,500 J/g or 2,000 J/g, respectively, additional testing is prescribed. In addition to criteria for applicability and eligibility, the proposed new paragraph (c)(5) would authorize transport of samples up to 200 grams for solids or 200 mL for liquids per outer package in accordance with existing provisions in paragraphs (c)(3) and (c)(4)(i)–(iii).

Finally, PHMSA proposes to revise 49 CFR 173.224(c)(4) to reference table A6.3 correctly (instead of currently referenced A6.2) and to permit an additional density option for the expandable polyethylene foam matrix used to isolate very small energetic samples. The existing requirement is for a foam density of 18 plus or minus one g/L in a matrix at least 130 mm thick. A submission to the UNSCOE TDG explained that the originally specified foam is no longer readily available and presented test data demonstrating that a functionally equivalent foam with a density of 24 plus or minus 2.4 g/L provides comparable protection.[48] For these reasons, PHMSA proposes to allow the foam matrix to have a density of either 18 plus or minus one g/L or 24 plus or minus 2.4 g/L, while retaining the existing 130 mm minimum thickness requirement.

Section 173.225

Section 173.225 prescribes packaging requirements and other provisions for organic peroxides. As a result of new peroxide formulations becoming commercially available and clarifications made to the UNMR, the list of assigned organic peroxides in the UNMR was updated to include formulations of these materials authorized for transportation without prior approval. To maintain consistency with UNMR, PHMSA proposes to remove one entry and to add seven new entries and a note to the Organic Peroxide Table in Table 1 to paragraph (c). PHMSA also proposes to add an entry to the Organic Peroxide IBC Table in Table 3 to paragraph (e).

The subcommittee identified an inaccuracy in the entry for ''[3R(3R,5aS,6S,8aS,9R,10R,12S,12aR)]-

[48] UNECE, *Alternative polyethylene foam for the safe transport of small amounts of energetic samples according to PP95 of packing instruction P520,* available at *https://unece.org/sites/default/files/2024-11/UN-SCETDG-65-INF23e.pdf* (Nov. 11, 2024).

Decahydro-10-methoxy-3,6,9-trimethyl-3,12-epoxy-12H-pyrano[4,3-j]-1,2-benzodioxepin,'' which closely resembles the chemical name of artemether. Artemisinin is a natural compound extracted from the artemisia annua plant and is one of the most effective treatments for malaria. A range of derivatives, such as artemether, are produced from artemisinin and are also used in malaria treatment. These compounds, including their stereoisomers, share a similar molecular structure containing a single peroxide bridge and have the properties of organic peroxides. A review of available classification test results and approvals by competent authorities, including approval CA2006080015 (3rd Rev.) issued by PHMSA, supports the classification of this group as UN3106, with packaging method OP7. Consistent with the UNMR, in paragraph (c) Organic Peroxide Table, PHMSA proposes to replace the inaccurate entry with five common names for artemisinin and its derivatives as follows: ''Arteether (including stereoisomers),'' ''Artemether (including stereoisomers),'' ''Artemisinin,'' ''Artesunate (including stereoisomers),'' and Dihydroartemisinin (including stereoisomers).''

The two additional entries PHMSA proposes to add are a new entry for ''tert-Amyl peroxypivalate'' at a lower concentration than the currently listed value and a new organic peroxide ''1,2,4,5,7,8-Hexoxonane, 3,6,9-Trimethyl-3,6,9-tris (ethyl and propyl) derivatives'' with a new note 34, requiring available oxygen ≤7.3 percent.

For the change to the Organic Peroxide IBC Table in paragraph (e), PHMSA proposes to add a new entry for ''tert-Butyl peroxy-2-ethylhexanoate, not more than 52 percent, in diluent type A'' and identifying it as ''UN3119, Organic peroxide, type F, liquid, temperature controlled.''

Section 173.230

Section 173.230 outlines the requirements for transporting fuel cell cartridges containing a hazardous material. Currently, paragraph (f)(4), applicable to air transportation, limits the maximum number of fuel cell cartridges in an intermediate packaging to the number required to power the equipment, plus two spares. PHMSA proposes to revise paragraph (f)(4) to clarify that this allowance permits two ''sets'' of spares, rather than only two individual spare cartridges. This revision accommodates equipment that requires multiple cartridges to function and is consistent with terminology used for spare sets elsewhere in the HMR (*e.g.,* 49 CFR 173.185(c)(4)(i)). For example, if a piece of equipment requires two fuel cell cartridges to operate, a single ''set'' of spares would be two cartridges. Under the proposed revision, the intermediate packaging would be permitted to contain a maximum of six cartridges in total: two required to power the equipment, plus four additional cartridges, representing two complete spare sets.

Section 173.232

Section 173.232 outlines the packaging requirements for articles containing hazardous materials of various hazard classes and divisions that are not otherwise specified by name in the HMR. These ''articles'' typically refer to machinery, apparatuses, or complex devices that contain hazardous materials as an integral, non-removable component necessary for their operation. This section applies when the hazardous materials within an article exceed the quantity limits authorized for ''UN3363, Dangerous goods in machinery or apparatus.''

During development of this NPRM, PHMSA discovered that in a previous final rule, HM–215O, provisions for use of large packagings were inadvertently not included.[49] To correct this oversight and to align with international regulations and standards, PHMSA proposes to add authorized large packagings, except for air transportation, in new paragraph (f)(3). Expanding the packaging options for transportation of these articles will offer greater flexibility to shippers without compromising safety for modes other than air.

Paragraph (h) provides for additional requirements that apply to air transportation. These requirements allow articles to contain lithium cells or batteries. PHMSA proposes to revise paragraphs (h)(1) and (2) to include reference to sodium ion batteries.

Section 173.301b

Section 173.301b outlines additional general requirements when shipping gases in UN pressure receptacles (*e.g.,* cylinders). Paragraph (a)(2) of this section requires that the gases or gas mixtures be compatible with the UN pressure receptacle and valve materials prescribed for metallic materials in ISO 11114–1:2020, *Gas cylinders—Compatibility of cylinder and valve materials with gas contents Part 1: Metallic materials.* PHMSA proposes to revise this paragraph to cite the updated edition of ISO 11114–1:2020/Amd 1:2023. PHMSA also proposes to revise paragraph (c)(1) to add the phrase ''or clause 5.4.2 of ISO 10297:2024.''

Section 173.306

Section 173.306 prescribes the general requirements and exceptions for limited quantities of compressed gases. Paragraph (e) provides exceptions from certain requirements for refrigerating machines. Consistent with the proposed revisions to add ''heating machines'' to the PSNs for UN2857 and UN3358 as discussed above in Section 172.101, PHMSA proposes to add ''heating machines'' in conjunction with references to ''refrigerating machines'' or otherwise generally refer to ''machines'' in the paragraph (e) provisions for refrigerating and heating machines.

Section 173.307

Section 173.307 provides exceptions from the regulations for compressed gases. Paragraph (a)(4) provides exceptions specific to refrigerating machines subject to certain criteria. Consistent with the proposed revisions to add ''heating machines'' to the PSNs for UN2857 and UN3358 as discussed above in Section 172.101, PHMSA proposes to add ''heating machines'' in conjunction with references to ''refrigerating machines'' to clarify that the exceptions also apply to heating machines such as heat pumps.

D. Part 175

Section 175.10

Section 175.10 specifies the conditions under which passengers, crew members, or air operators may carry hazardous materials aboard an aircraft.

PHMSA proposes minor editorial amendments in paragraph (a)(17) for the requirements for lithium ion batteries to be removed from wheelchairs or mobility aids by amending ''battery'' to ''batteries'' and aligning with text in the ICAO Technical Instructions requiring that a removed or spare battery be carried ''in the cabin'' instead of as ''carry-on baggage.''

In addition, effective March 27, 2026, the ICAO Technical Instructions published Addendum No. 1 to the 2025–26 Edition of the Technical Instructions (Doc 9284) to provide conditions for the carriage of power banks by passengers or crew in carry-on baggage.[50] Currently, paragraph

[49] 85 FR 27810 (May 11, 2020).

[50] ICAO, *Report of the 30th meeting of the Dangerous Goods Panel,* Agenda Item 4.3, available at *https://www.icao.int/sites/default/files/DangerousGoods/DGP%20Meeting%20Documentation/DGP-30/Report/English/Final%20report.pdf; https://www.icao.int/news/*

Continued

(a)(18)(iv) requires that articles containing lithium metal or lithium ion cells or batteries with the primary purpose to provide power to another device be carried as spare batteries in accordance with the provisions of the paragraph. Consistent with Addendum No. 1 to the 2025–26 Edition of the ICAO Technical Instructions, PHMSA proposes to amend paragraph (a)(18)(iv) to limit the number of power banks (*e.g.,* portable devices used to charge electronic devices such as cell phones or laptops) to no more than two per person. PHMSA also proposes that power banks cannot be recharged while aboard the aircraft. Further, consistent with the ICAO Technical Instructions, PHMSA proposes to recommend, but not require, that power banks should not be used to recharge a portable electronic device (*e.g.,* watches, calculating machines, cameras, cellular phones, laptop and notebook computers, camcorders, medical devices, etc.) while aboard the aircraft. PHMSA is proposing to include this recommendation in the regulatory text to maintain consistency with ICAO.

Section 175.33

Section 175.33 establishes requirements for the notification of the pilot-in-command when hazardous materials are transported by aircraft. Consistent with a revision to the ICAO Technical Instructions, in paragraph (a)(13), PHMSA proposes to add reference to sodium ion batteries to the provisions that currently apply to lithium ion and metal batteries.

Section 175.78

Section 175.78 prescribes the stowage compatibility of hazardous materials offered for transportation by aircraft. Consistent with changes in the ICAO Technical Instructions, PHMSA proposes to revise paragraph (c)(4) (*i.e.,* ''Note 1'') to specify that explosives in Compatibility Group G must not be stowed with explosives in Compatibility Groups C, D, or E. Furthermore, PHMSA proposes that, when loaded into Unit Load Devices (ULDs), the explosives in Category G must be separated from ULDs containing explosives in Compatibility C, D, or E by other cargo at least two meters (6.5 feet). When not loaded into ULDs, explosives in Compatibility Group G must be loaded into different, non-adjacent loading positions and separated by other cargo by at least two meters (6.5 feet). This change is the result of a discrepancy between the ICAO Technical Instructions and the Supplement to the Technical Instructions identifying explosives separation (*i.e.,* Table 7–2 in the Technical Instructions and S–7–1 in the Supplement). Before the revision, the ICAO Technical Instructions specified that explosives of Compatibility Groups C, D and E could be loaded with Compatibility Group G, while the Supplement required separation. The Dangerous Goods Panel agreed that they should be separated. This revision is also consistent with the criteria for separation of explosives provided in 7.1.3.1 of the UN Model Regulations.

E. Part 176

Section 176.708

Section 176.708 prescribes minimum separation distances between radioactive materials and spaces regularly occupied by crew members or passengers, or between radioactive materials and undeveloped photographic film, while aboard vessels. Paragraph (d) currently provides two methods for determining separation distances from crew members and passengers using either a table provided in this section of the HMR or, for shipments under exclusive use conditions, using dose rate ranges. PHMSA proposes to allow the use of the IMDG Code segregation distances provided in their Table 7.1.4.5.18, which would authorize a third alternative for determining segregation distances between radioactive materials and crew members and passengers. Shipments made in accordance with the IMDG Code already have this option under 49 CFR 171.25(b)(2). PHMSA believes allowing the IMDG Code provisions for domestic shipments will provide shippers and carriers additional flexibility in determining appropriate segregation distances while not compromising safety to crew members and passengers.

Section 176.905

Section 176.905 prescribes transportation requirements and exceptions for vessel transportation of motor vehicles (''vehicle''). PHMSA proposes to replace the existing text of 49 CFR 176.905 to adopt updated transport provisions and exceptions for vessel shipments of these vehicles consistent with changes made in the IMDG Code. In response to multiple roll-on/roll-off vessel (''Ro-Ro vessel'') fire incidents resulting in crew member deaths and injuries and hundreds of millions of dollars in loss to cargo and vessels, the International Maritime Organization Sub-Committee on Carriage of Cargoes and Containers established a correspondence group to review existing international transport standards and safety of transport of motor vehicles and to make recommendations for changes to prevent future incidents or mitigate impacts. The resulting recommendations were adopted in the IMDG Code and, in this NPRM, PHMSA proposes to adopt these amendments in the HMR.

Specifically, PHMSA proposes a new paragraph (a) that requires the shipper(s) of all vehicles offered for transport by vessel, except for those driven on board Ro-Ro passenger vessels under their own power by a passenger, to assess the safety condition of the vehicle prior to offering it for transport. If a vehicle has or shows signs of damage to electrical equipment (*e.g.,* batteries) or to supplemental restraint systems (*e.g.,* airbags or seatbelt pretensioners) or has been impacted by extreme weather or natural events (*e.g.,* flooding, wildfire), the vehicle may not be offered for transport unless corrective action can be implemented to address the identified hazard from damage prior to offering for transportation. Similar inspection criteria prior to loading a vessel are in 49 CFR 176.905(a)(1). These conditions do not apply to vehicles offered under the exceptions in 49 CFR 176.905(i), which includes all vehicles offered for transport on Ro-Ro vessels (and, thus, most vehicle vessel shipments).

PHMSA believes an increased assessment prior to offering a vehicle for transport and clearly outlining conditions under which a vehicle is not allowed to be transported will help prevent future incidents by ensuring unsafe vehicles (for transport) are not offered for vessel transportation. In response to a fire aboard the Ro-Ro vessel, Höegh Xiamen, the National Transportation Safety Board (NTSB) issued safety recommendation M–21–014 to PHMSA to remove the exceptions in 49 CFR 176.905(i) for used and damaged flammable liquid-powered vehicles transported by Ro-Ro vessels.[51] PHMSA believes this proposed change addresses the intent of the NTSB safety recommendation. The primary factor and negative safety impact NTSB identified is the waiving of the inspection of vehicles under 49 CFR 176.905(i) and its associated mitigation of hazards prior to transport.

Proposed paragraph (b) contains transport requirements for vehicles that

new-power-bank-restrictions-will-safeguard-international-aviation (Oct. 6–10, 2025).

[51] National Transportation Safety Boad (NTSB), Safety Recommendation M–21–014, available at: *https://data.ntsb.gov/carol-main-public/sr-details/M-21-014* (Dec. 16, 2021).

meet the assessment criteria of paragraph (a) to qualify for exceptions from the HMR if certain conditions are met related to the motive power source and quantity of fuel, if applicable. These provisions are largely consistent with existing exceptions found in 49 CFR 176.905(i). A clarification is proposed in paragraph (b)(3)(vii) to indicate that lithium battery-powered vehicles are not eligible for the exceptions provided by paragraph (b).

Proposed paragraph (c) contains requirements for vehicles that are not prohibited by paragraph (a) yet are not eligible for the exceptions in paragraph (b). These provisions are largely consistent with existing requirements found in 49 CFR 176.905(a) with an additional reference to the requirement to mark and to label packaged vehicles consistent with the proposed requirement in § 173.220(h). In addition, PHMSA proposes to require shipments of vehicles in closed CTUs to be placarded on each side and each end, regardless of whether the vehicle is packaged or unpackaged.

PHMSA believes this change increases awareness of the presence of vehicles—both packaged and unpackaged—when enclosed in CTUs. It also increases awareness of hazardous materials in the transport chain. Additional placarding requirements would only apply to vehicles that were ineligible for the exceptions found in the remainder of the section. Moreover, it would primarily apply to vehicles powered by lithium ion or sodium ion batteries (or hybrid batteries) as well as vehicles with internal combustion engines containing more fuel than is currently allowed by the exception. Furthermore, the hazardous materials (hazmat) endorsement on a Commercial Driver's License (CDL) requirements addressed in 49 CFR part 383 and defined in 49 CFR 383.5 apply to a material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172; or any quantity of a material listed as a select agent or toxin in 42 CFR part 73. Since the proposed requirement to placard CTUs is in 49 CFR part 176, it would not necessitate the driver of a commercial vehicle to obtain a hazmat endorsement on his or her CDL.

In addition, PHMSA proposes to move the existing 49 CFR 176.905(b)–(h) provisions related to vessel operational controls into paragraph (c)(7)–(13). This proposal is consistent with existing HMR requirements for shipments of vehicles that are not excepted from the rest of the subchapter in paragraph. PHMSA notes these additional operational conditions would only apply to vehicles offered in accordance with paragraph (c). PHMSA believes not applying these provisions to all vehicles, consistent with existing requirements, is warranted as those vehicles offered in accordance with the exceptions found in proposed paragraph (b) are either in designated and otherwise approved vehicle spaces or have mitigating factors such as no fuel or fuel with a high flashpoint.

F. Part 178

Section 178.71

Section 178.71 prescribes specifications for UN pressure receptacles. First, PHMSA proposes to amend paragraph (d)(2) to incorporate by reference clause 5.4.2 of ISO 10297:2024(E) and the updated edition of ISO 14246:2022(E) for cylinder valves. Adding clause 5.4.2 of ISO 10297:2024(E) would authorize an alternative to the 2014 edition that is currently referenced, providing manufacturers with the flexibility to use the updated impact testing standards for valve protection without invalidating existing designs. The incorporation of ISO 14246:2022(E) includes updated requirements for oxidizing gases and a revised test pressure for acetylene valves.

Specifically, PHMSA proposes to add language to paragraph (d)(2) to state ''or clause 5.4.2 of ISO 10297:2024(E) (*Gas cylinders—Refillable gas cylinder valves—Specification and type testing*)'' and to reference ISO 14246:2022(E), (*Gas cylinders—Cylinder valves—Manufacturing tests and examinations*).

Paragraph (o) addresses material compatibility for UN pressure receptacles. PHMSA proposes to amend paragraph (o)(1) to update the reference to ISO standard 11114–1, (*Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials*) to reference the 2020 edition with the 2023 amendment (*i.e.,* ISO 11114–1:2020/Amd 1:2023) for material compatibility requirements.

Finally, paragraph (t) contains the marking requirements for UN non-refillable pressure receptacles. PHMSA proposes to add paragraph (t)(5) stating that non-refillable UN pressure receptacles of seamless construction with a diameter of less than or equal to 40 mm may also be permanently marked (*e.g.,* stenciled, stamped, engraved or etched) on the side walls, provided no harmful stress concentration is created and the minimum cylindrical shell wall thickness is maintained. The marking must be at least 1.5 mm and the UN pressure receptacle must be at least three mm. Further, the minimum size of the ''DO NOT REFILL'' mark would be revised to three mm.

Section 178.277

Section 178.277 outlines the requirements for the design, construction, inspection, and testing of portable tanks intended for the transportation of refrigerated liquefied gases. Paragraph (d)(1) requires that each filling and discharge opening in portable tanks used for the transport of flammable refrigerated liquefied gases must be fitted with at least three mutually independent shutoff devices in series, with the first being a stop-valve situated as close as reasonably practicable to the jacket. This stop-valve must be a self-closing device capable of being closed from an accessible position on the portable tank in the event of an incident. The UNMR were amended to clarify that the requirement for three shutoff devices also applies to the openings in the vapor phase of the tank. These openings are primarily used for pre-cooling the tanks and for pressure reduction (vapor recovery) during filling. Therefore, PHMSA proposes to revise paragraph (d)(1) to clarify that filling and discharge openings also include the openings in the vapor phase of the portable tank that are used for vapor recovery. In addition, portable tanks constructed after January 1, 2029, must be equipped with three independent shutoff devices on these vapor phase openings. However, portable tanks constructed before January 1, 2029, without these shutoff devices in the vapor space may continue to be used.

Section 178.703

Section 178.703 prescribes IBC marking requirements. PHMSA proposes editorial revisions for consistent use of units of measure and terminology for the stacking test so that mass (kg) is used on markings, while maintaining force/load (measured in newtons) for the stacking test procedure. The existing text mixes units of measure by referencing a ''stacking test load'' with its value in kilograms, which incorrectly equates a test force to a mass. Specifically, PHMSA proposes to revise the specification marking provision in 49 CFR 178.703(a)(1)(vii), and the example text in 49 CFR 178.703(a)(2)(iii), to replace ''stacking test load'' with ''superimposed stacking test mass,'' and the stacking symbol text in 49 CFR 178.703(b)(7)(iv) to replace ''stacking test load'' with ''superimposed stacking mass.'' For consistency with the UNMR, PHMSA is

also proposing an editorial amendment to revise the reference to the load imposed the design test to the calculation in the stacking test criteria of 49 CFR 178.815(c)(5). These proposed revisions are terminology and unit of measure clarification changes only and do not change the marking requirements on a package or the stacking test itself. *See* the corresponding clarification of the IBC test method in 49 CFR 178.815.

Section 178.815

Section 178.815 prescribes the stacking test requirements for IBCs. PHMSA proposes an editorial clarification in 49 CFR 178.815(c), *Calculation of superimposed test load,* to align with force and mass terminology in the UNMR. Paragraph (c)(5) currently states that ''the load to be placed on the IBC'' must be 1.8 times the combined maximum permissible gross mass of the number of similar IBCs that may be stacked on top of the IBC during transportation. PHMSA proposes to revise the text to ''the mass placed on the IBC surface to create the superimposed test load'' is 1.8 times the combined mass. The proposed text in 49 CFR 178.815(c) clarifies that a mass (kg) is used to generate the test force and eliminates language that could be interpreted as equating force and mass.

Section 178.910

Section 178.910 prescribes Large Packaging marking requirements. PHMSA proposes editorial revisions for consistent use of units of measure and terminology for the stacking test so that mass (kg) is used on markings while maintaining force/load (measured in newtons) for the stacking test procedure. The existing text mixes units of measure by referencing a ''stacking test load'' with its value in kilograms, which incorrectly equates a test force to a mass. Specifically, PHMSA proposes to revise 49 CFR 178.910(a)(1)(vii) and the example text in 49 CFR 178.910(a)(2)(i) and (iv) to replace ''stacking test load'' with ''superimposed stacking test mass.''

During development of this NPRM, PHMSA identified that the instruction to mark above the stacking symbol with the maximum mass authorized for stacking on the Large Packaging was inadvertently omitted when this section was added in a previous final rule, HM–215L.[52] To correct this oversight and to align with international standards, PHMSA proposes to revise 49 CFR 178.910(b) with the stacking symbol marking instruction and reference the superimposed stacking mass as described above.

These proposed revisions are clarifications only and do not change the marking requirements on a package or the stacking test itself. *See* the corresponding clarification of the Large Packaging test method in 49 CFR 178.980.

Section 178.980

Section 178.980 prescribes the stacking test requirements for Large Packagings. PHMSA proposes an editorial clarification in 49 CFR 178.980(c), calculation of superimposed test load, to align with force and mass terminology in the UNMR. Paragraph (c)(5) currently states that ''the load to be placed on the Large Packaging'' must be 1.8 times the combined maximum permissible gross mass of the number of similar Large Packagings that may be stacked on top of the Large Packaging during transportation. PHMSA proposes to revise text to ''the mass placed on the Large Packaging surface to create the superimposed test load'' is 1.8 times the combined mass. The proposed text clarifies that a mass (kg) is used to generate the test force and eliminates language that could be interpreted as equating force and mass.

Section 178.1010

Section 178.1010 prescribes flexible bulk container marking requirements. PHMSA proposes editorial revisions for consistent use of units of measure and terminology for the stacking test so that mass (kg) is used on markings while maintaining force/load (measured in newtons) for the stacking test procedure. The existing text mixes units of measure by referencing a ''stacking test load'' with its value in kilograms, which incorrectly equates a test force to a mass. Specifically, PHMSA proposes to revise 49 CFR 178.1010(a)(1)(vii) and the example text in 49 CFR 178.1010(a)(2) to replace ''stacking test load'' with ''superimposed stacking test mass.'' In addition, PHMSA proposes to correct an error inadvertently included when this section was added in a previous final rule, HM–215L, by removing the second sentence in (a)(1)(vii) that states ''For Flexible Bulk Containers not designed for stacking the figure ''0'' must be shown.'' All flexible bulk containers are designed to be stacked and tested accordingly so marking an indication of ''0'' is inappropriate. These proposed revisions are terminology and unit of measure clarification changes only and do not change the marking requirements on a package or the stacking test itself.

G. Part 180

Section 180.207

Section 180.207 outlines the requirements for the requalification of UN pressure receptacles. Paragraph (d)(1) specifies the requirements for seamless steel cylinders. PHMSA proposes to replace the reference to ISO 6406:2005(E) with ISO 18119. This proposed revision also responds to a petition for rulemaking.[53] Paragraph (d)(2) specifies the requirements for seamless UN aluminum cylinders. PHMSA proposes to replace the reference to ISO 10461 with ISO 18119. This proposed revision also responds to a petition for rulemaking.[54] Paragraph (d)(4) specifies the requirements for composite UN cylinders. PHMSA proposes to add reference to ISO 11623:2023(E) and to allow for the continued use of ISO 11623:2015(E) until December 31, 2028. Paragraph (d)(6) specifies the requirements for valves for UN pressure receptacles. PHMSA proposes to revise paragraph (d)(6) to incorporate by reference ISO 22434:2022 and allow for the continued use of ISO 22434:2006 until December 31, 2028.

VI. Regulatory Analyses and Notices

A. Statutory/Legal Authority

This NPRM is published under the authority of Federal Hazardous Materials Transportation Law set forth in 49 U.S.C. ch. 51. Under 49 U.S.C. 5103(b), the Secretary of Transportation is authorized to prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce. The Secretary is authorized under 49 U.S.C. 5120 to consult with interested international authorities to ensure that, to the extent it is safe and practicable, regulations governing the transportation of hazardous materials in commerce are consistent with the standards adopted by international authorities. The Secretary has delegated the authority granted in the Federal Hazardous Materials Transportation Law to the PHMSA Administrator at 49 CFR 1.97(b).

B. Executive Order 12866 and Regulatory Planning and Review

Executive Order (E.O.) 12866 (*Regulatory Planning and Review*), as implemented by 49 CFR part 5, subpart

[52] 78 FR 988 (Jan. 7, 2013).

[53] *FIBA* (P–1752), PHMSA–2020–0168, available at: *https://www.regulations.gov/docket/PHMSA-2020-0168.*

[54] *Hazmat Safety Consultants,* (P–1776), PHMSA–2023–0088 available at: *https://www.regulations.gov/docket/PHMSA-2023-0088.*

B, requires agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' [55] In arriving at those conclusions, E.O. 12866 requires that agencies should consider ''both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify'' and ''maximize net benefits . . . unless a statute requires another regulatory approach.'' E.O. 12866 also requires that ''agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.'' Per 49 CFR part 5, subpart B PHMSA and other Operating Administrations must generally choose the ''least costly regulatory alternative that achieves the relevant objectives'' unless required by law or compelling safety need. In addition, 49 CFR part 5, subpart B specifies that regulations should generally ''not be issued unless their benefits are expected to exceed their costs.'' PHMSA has complied with the requirements in E.O. 12866 as implemented by 49 CFR part 5, subpart B. Accordingly, PHMSA has preliminarily determined that the amendments proposed in this NPRM will result in cost savings by reducing regulatory burdens and regulatory uncertainty.

E.O. 12866 (*Regulatory Planning and Review*) and 49 CFR part 5, subpart B also require that PHMSA submit ''significant regulatory actions'' to the Office of Management and Budget (OMB) for review.[56] This rulemaking is not considered a significant regulatory action under Section 3(f) of E.O. 12866 and, therefore, was not formally reviewed by OMB.

C. Executive Orders 14192 and 14219

This rulemaking is expected to be an E.O. 14192 (*Unleashing Prosperity Through Deregulation*) deregulatory action.[57] The proposed rule would have net annualized cost savings of approximately $56,000 using a three percent discount rate and $49,000 using a seven percent discount rate. Details on the costs, cost savings, and benefits of this rulemaking can be found in the PRIA, which is available in the public docket.

D. Energy-Related Executive Orders 13211, 14154, and 14156

The President has declared in E.O. 14156 (*Declaring a National Energy Emergency*) a national emergency to address U.S. inadequate energy development production, transportation, refining, and generation capacity.[58] Similarly, E.O. 14154 (*Unleashing American Energy*) asserts a Federal policy to unleash American energy by ensuing access to abundant supplies of reliable, affordable energy from (inter alia) the removal of ''undue burden[s]'' on the identification, development, or use of domestic energy resources.[59] PHMSA preliminarily finds this NPRM is consistent with both E.O. 14156 and E.O. 14154.

This rulemaking is not a ''significant'' energy action under E.O. 13211 (*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*). It also is not a significant regulatory action under E.O. 12866 and is therefore not likely to have a significant adverse effect on the supply, distribution, or use of energy for purposes of the requirements of E.O 14156 (*Declaring a National Energy Emergency*) and E.O. 14154 (*Unleashing American Energy*). In fact, as opposed to having an adverse effect on the domestic supply, distribution, or use of energy, this proposed rule may actually contribute to streamlining such transportation.

E. Executive Order 13132: Federalism

PHMSA analyzed this rulemaking in accordance with the principles and criteria contained in E.O. 13132 (*Federalism*) and the Presidential Memorandum (*Preemption*) published in the **Federal Register** on May 22, 2009. E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have ''substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.''

The rulemaking may preempt State, local, and Tribal requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. The Federal Hazardous Materials Transportation Law contains a provision at 49 U.S.C. 5125(b) that expressly preempts State, local, and Tribal requirements on certain covered subjects, unless the non-Federal requirements are ''substantively the same'' as the Federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (1), (2), (3), (4), and (5) above and would preempt State, local, and Tribal requirements not meeting the ''substantively the same'' standard. In this instance, the preemptive effect of the proposed rule is limited to the minimum level necessary to achieve the objectives of the hazardous materials transportation law under which the final rule is promulgated.

F. Regulatory Flexibility Act

This NPRM has been developed in accordance with E.O. 13272 (*Proper Consideration of Small Entities in Agency Rulemaking*) and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.[60] This rulemaking facilitates the transportation of hazardous materials in international commerce by providing consistency with international standards. It applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical manufacturers, users, and suppliers, packaging manufacturers, distributors, and training companies. As discussed at length in the PRIA found in the rulemaking docket, the amendments in this proposed rule should result in net cost savings that would ease the regulatory compliance burden for those

[55] 58 FR 51735 (Oct. 4, 1993); 91 FR 22431 (Apr. 27, 2026); *see also* DOT Order 2100.6B (*Policies and Procedures for Rulemakings*).

[56] 58 FR 51735 (Oct. 4, 1993).

[57] 90 FR 9065 (Jan. 31, 2025).

[58] 90 FR 8353 (Jan. 29, 2025).

[59] 90 FR 8353 (Jan. 29, 2025).

[60] DOT, *Rulemaking Requirements Related to Small Entities* (last updated May 18, 2012), available at: *www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities.*

and other entities engaged in domestic and international commerce, including transborder shipments within North America. In addition, the changes proposed in this NPRM would relieve U.S. companies, including small entities competing in foreign markets, from the burden of complying with a dual system of regulations. Therefore, PHMSA expects that these amendments will not, if adopted, have a significant economic impact on a substantial number of small entities. However, PHMSA solicits comments on the anticipated economic impacts to small entities.

G. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain an unfunded mandate of $100 million (adjusted annually for inflation) or more (in 1995 dollars) and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

H. National Environmental Policy Act

PHMSA has analyzed this proposed rule pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321, *et seq.*) and has preliminarily determined it is categorically excluded under 23 CFR 771.117(c)(20), which applies to the promulgation of rules, regulations, and directives. Under Section 9 of DOT Order 5610.1D, PHMSA may apply a categorical exclusion (CE) established in another Operating Administration's procedures. PHMSA followed the requirements outlined in DOT Order 5610.1D to apply the Federal Highway Administration's CE to this proposed deregulatory action. PHMSA does not anticipate any adverse environmental impacts from this proposed rule, and PHMSA has determined no unusual circumstances are present under 23 CFR 771.117(b). PHMSA is soliciting comments on the environmental and safety impacts of the proposed rule. Following the public comment period, if determined appropriate, PHMSA will prepare a Categorical Exclusion Determination memo to be posted on PHMSA's website.[61]

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

PHMSA has analyzed this NPRM according to E.O. 13175 (*Consultation and Coordination with Indian Tribal Governments*) and DOT Order 5301.1A (*Department of Transportation Tribal Consultation Policies and Procedures*).[62] Because the NPRM does not significantly or uniquely affect the communities of the Indian Tribal governments or impose substantial direct compliance costs, the funding and consultation requirements of E.O. 13175 do not apply.

J. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edits and including any personal information that the commenter includes in the system of records notice.[63]

K. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Pursuant to 44 U.S.C. 3506(c)(2)(B) and 5 CFR 1320.8(d), PHMSA must provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests.

PHMSA has analyzed this NPRM in accordance with the Paperwork Reduction Act. *See* discussions on the OMB control numbers affected below:

2137–0018 ''Inspection and Testing of Portable Tanks and Intermediate Bulk Containers''

PHMSA proposes to revise § 178.277(d)(1) to clarify that filling and discharge openings also include the openings in the vapor phase of the portable tank that are used for vapor recovery and that portable tanks constructed after January 1, 2029 must be constructed with three mutually independent shutoff devices on openings in the vapor phase. PHMSA expects that manufacturers would need to redesign portable tanks to include a third shutoff device and submit tank redesigns to a DAA for approval. Four domestic manufacturers will spend 43 hours each on tank redesigns in 2028, totaling 172 burden hours. Four DAAs will spend 4 hours per review, totaling 16 burden hours. In total, manufacturers and DAAs will spend 188 burden hours across eight total responses. The figures below reflect these one-time 2028 burdens annualized over OMB's standard three-year clearance period:

Manufacturers (Tank Redesigns & Submissions)

- *Annual increase in number of respondents:* 1.33
- *Annual increase in number of responses:* 1.33
- *Annual increase in burden hours:* 57.33 DAAs (Reviews & Approvals)
- *Annual increase in number of respondents:* 1.33
- *Annual increase in number of responses:* 1.33
- *Annual increase in burden hours:* 5.33

2137–0557: ''Approvals for Hazardous Materials''

PHMSA anticipates this proposed rule would result in fewer explosives approvals submitted by shippers or manufacturers of small pyrotechnical devices used in lifesaving appliances and self-inflating protective equipment.

Annual decrease in number of respondents: 1

Annual decrease in number of responses: 1

Annual decrease in burden hours: 4.75

PHMSA requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining the proposed requirements in this NPRM. Address written comments to the DOT Docket Operations Office identified in the **ADDRESSES** section of this rulemaking. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. Requests for a copy of this information collection should be directed to Steven Andrews or Ryan Larson, Standards and Rulemaking Division (PHH–10), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. If these proposed requirements are adopted in a final rule, PHMSA will submit the revised information collection and recordkeeping requirements to OMB for approval.

L. Executive Order 13609 and International Trade Analysis

E.O. 13609 (*Promoting International Regulatory Cooperation*) requires that agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and to compete internationally.[64] In meeting shared challenges involving health, safety,

[61] PHMSA, *Implementing Procedures (NEPA)* (last accessed Feb. 11, 2026), available at: *https://www.phmsa.dot.gov/planning-and-analytics/environmental-analysis-and-compliance/implementing-procedures.*

[62] 65 FR 67249 (Nov. 6, 2000).

[63] *See DOT Privacy Program*, available at: *https://www.transportation.gov/privacy* (Oct. 10, 2025).

[64] 77 FR 26413 (May 4, 2012).

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.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465) (as amended, the Trade Agreements Act), prohibits agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to the Trade Agreements Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, as long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they are the basis for U.S. standards.

PHMSA participates in the establishment of international standards to protect the safety of the American public, and it has assessed the effects of the NPRM to ensure that it does not cause unnecessary obstacles to foreign trade. In fact, the proposed rule is expected to facilitate international trade by harmonizing U.S. and international requirements for the transportation of hazardous materials to reduce regulatory burdens and minimize delays arising from having to comply with divergent regulatory requirements. Accordingly, this rulemaking is consistent with E.O. 13609 and PHMSA's obligations under the Trade Agreements Act.

M. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs Federal agencies to use voluntary consensus standards in their regulatory activities, unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary consensus standard bodies. This NPRM involves multiple voluntary consensus standards, which are discussed at length in the preamble. *See* the Section-by-Section Review in Section 171.7 for further details.

N. Cybersecurity and Executive Order 14028

E.O. 14028 (*Improving the Nation's Cybersecurity*) directs the Federal Government to improve its efforts to identify, deter, and respond to ''persistent and increasingly sophisticated malicious cyber campaigns.'' [65] PHMSA has considered the effects of the NPRM and has determined that its proposed regulatory amendments would not materially affect the cybersecurity risk profile for transportation of hazardous materials.

O. Severability

The purpose of this NPRM is to operate holistically in addressing different issues related to safety and environmental hazards associated with the transportation of hazardous materials. However, PHMSA recognizes that certain provisions focus on unique topics. Therefore, PHMSA finds that the various provisions of this proposed rule are severable and able to function independently if severed from each other. Thus, in the event a court were to invalidate one or more of this NPRM's unique provisions, the remaining provisions stand and continue in effect.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Incorporation by reference, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Cargo vessels, Hazardous materials transportation, Incorporation by reference, Maritime Carriers, Radioactive Materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Incorporation by reference, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and § 1.97.

■ 2. In § 171.7, revise paragraphs (t)(1), (v), (w), (bb)(1), and (dd) to read as follows:

§ 171.7 Reference material.

* * * * *

(t) * * *

(1) ICAO Doc 9284 Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), 2027–2028 Edition, copyright 2026, into §§ 171.8; 171.22 through 171.24; 172.101; 172.202; 172.401; 172.407; 172.512; 172.519; 172.602; 173.56; 173.320; 175.10, 175.33; 178.3.

* * * * *

(v) International Maritime Organization (''IMO''), 4 Albert Embankment, London, SE1 7SR, United Kingdom, + 44 (0) 20 7735 7611, *http://www.imo.org*. IMDG Code available from: IMO Publishing, *sales@imo.org*.

(1) International Convention for the Safety of Life at Sea, 1974, Consolidated Edition (SOLAS), Chapter II–2, Construction—Fire protection, fire detection and fire extinction, Regulation 3, Definitions, 2024, into § 176.905.

(2) International Convention for the Safety of Life at Sea, 1974, Consolidated Edition (SOLAS), Chapter II–2, Construction—Fire protection, fire detection and fire extinction, Regulation 19, Carriage of dangerous goods, 2024, into §§ 176.63, 176.84.

[65] 86 FR 26633 (May 17, 2021).

(3) International Maritime Dangerous Goods Code (IMDG Code), Incorporating Amendment 43–26 (English Edition), 2026 Edition; 2026, into §§ 171.22; 171.23; 171.25; 172.101; 172.202; 172.203; 172.401; 172.407; 172.502; 172.519; 172.602; 173.21; 173.56; 176.2; 176.5; 176.11; 176.27; 176.30; 176.83; 176.84; 176.140; 176.720; 176.906; 178.3; 178.274.

(i) Volume 1, Incorporating Amendment 43–26 (Vol. 1).

(ii) Volume 2, Incorporating Amendment 43–26 (Vol. 2).

(w) *International Organization for Standardization*, Case Postale 56, CH–1211, Geneve 20, Switzerland, *http://www.iso.org*. Also available from: ANSI 25, West 43rd Street, New York, NY 10036, 1–212–642–4900, *http://www.ansi.org*.

(1) ISO 535–2023(E) Paper and board—Determination of water absorptiveness—Cobb method, 2014, Fourth edition, 2023–03, into §§ 178.707; 178.708; 178.516.

(2) ISO 1496–1:1990(E)—Series 1 freight containers—Specification and testing, Part 1: General cargo containers. Fifth Edition, (August 15, 1990), into § 173.411.

(3) ISO 1496–3:2019(E)—Series 1 freight containers—Specification and testing—Part 3: Tank containers for liquids, gases and pressurized dry bulk, Fifth edition, 2019–04, into §§ 178.74; 178.75; 178.274.

(4) ISO 1516:2002(E), Determination of flash/no flash—Closed cup equilibrium method, Third Edition, 2002–03–01, into § 173.120.

(5) ISO 1523:2002(E), Determination of flash point—Closed cup equilibrium method, Third Edition, 2002–03–01, into § 173.120.

(6) ISO 2431–1984(E) Standard Cup Method, 1984, into § 173.121.

(7) ISO 2592:2000(E), Determination of flash and fire points—Cleveland open cup method, Second Edition, 2000–09–15, into § 173.120.

(8) ISO 2719:2002(E), Determination of flash point—Pensky-Martens closed cup method, Third Edition, 2002–11–15, into § 173.120.

(9) ISO 2919:1999(E), Radiation Protection—Sealed radioactive sources—General requirements and classification, (ISO 2919), second edition, February 15, 1999, into § 173.469.

(10) ISO 3036–1975(E) Board—Determination of puncture resistance, 1975, into § 178.708.

(11) ISO 3405:2000(E), Petroleum products—Determination of distillation characteristics at atmospheric pressure, Third Edition, 2000–03–01, into § 173.121.

(12) ISO 3574–1986(E) Cold-reduced carbon steel sheet of commercial and drawing qualities, into § 178.503; Part 178, appendix C.

(13) ISO 3679:2004(E), Determination of flash point—Rapid equilibrium closed cup method, Third Edition, 2004–04–01, into § 173.120.

(14) ISO 3680:2004(E), Determination of flash/no flash—Rapid equilibrium closed cup method, Fourth Edition, 2004–04–01, into § 173.120.

(15) ISO 3807–2(E), Cylinders for acetylene—Basic requirements—Part 2: Cylinders with fusible plugs, First edition, March 2000, into §§ 173.303; 178.71.

(16) ISO 3807:2013(E), Gas cylinders—Acetylene cylinders—Basic requirements and type testing, Second edition, 2013–09–01, into §§ 173.303; 178.71.

(17) ISO 3924:1999(E), Petroleum products—Determination of boiling range distribution—Gas chromatography method, Second Edition, 1999–08–01, into § 173.121.

(18) ISO 4126–1:2004(E): Safety devices for protection against excessive pressure—Part 1: Safety valves, Second edition 2004–02–15, into § 178.274.

(19) ISO 4126–7:2004(E): Safety devices for protection against excessive pressure—Part 7: Common data, First Edition 2004–02–15 into § 178.274.

(20) ISO 4126–7:2004/Cor.1:2006(E): Safety devices for protection against excessive pressure—Part 7: Common data, Technical Corrigendum 1, 2006–11–01, into § 178.274.

(21) ISO 4626:1980(E), Volatile organic liquids—Determination of boiling range of organic solvents used as raw materials, First Edition, 1980–03–01, into § 173.121.

(22) ISO 4706:2023(E), Gas cylinders—Refillable welded steel cylinders—Test pressure 60 bar and below, Third edition, 2023–09, into § 178.71.

(23) ISO 6406(E), Gas cylinders—Seamless steel gas cylinders—Periodic inspection and testing, Second edition, February 2005, into § 180.207.

(24) ISO 6892 Metallic materials—Tensile testing, July 15, 1984, First Edition, into § 178.274.

(25) ISO 7225(E), Gas cylinders—Precautionary labels, Second Edition, July 2005, into § 178.71.

(26) ISO 7866(E), Gas cylinders—Refillable seamless aluminum alloy gas cylinders—Design, construction and testing, First edition, June 1999, into § 178.71.

(27) ISO 7866:2012(E), Gas cylinders—Refillable seamless aluminium alloy gas cylinders—Design, construction and testing, Second edition, 2012–09–01, into § 178.71.

(28) ISO 7866:2012/Cor.1:2014(E), Gas cylinders—Refillable seamless aluminium alloy gas cylinders—Design, construction and testing, Technical Corrigendum 1, 2014–04–15, into § 178.71.

(29) ISO 8115 Cotton bales—Dimensions and density, 1986 Edition, into § 172.102.

(30) ISO 9809–1:1999(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with a tensile strength less than 1100 MPa, First edition, June 1999, into §§ 178.37; 178.71; 178.75.

(31) ISO 9809–1:2010(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa., Second edition, 2010–04–15, into §§ 178.37; 178.71; 178.75.

(32) ISO 9809–1:2019(E), Gas cylinders—Design, construction and testing of refillable seamless steel gas cylinders and tubes—Part 1: Quenched and tempered steel cylinders and tubes with tensile strength less than 1100 MPa, Third edition, 2019–08; into §§ 178.37; 178.71; 178.75.

(33) ISO 9809–2:2000(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1 100 MPa., First edition, June 2000; into §§ 178.71; 178.75.

(34) ISO 9809–2:2010(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1100 MPa., Second edition, 2010–04; into §§ 178.71; 178.75.

(35) ISO 9809–2:2019(E): Gas cylinders—Design, construction and testing of refillable seamless steel gas cylinders and tubes—Part 2: Quenched and tempered steel cylinders and tubes with tensile strength greater than or equal to 1100 MPa, Third edition, 2019–08; into §§ 178.71; 178.75.

(36) ISO 9809–3:2000(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders, First edition, December 2000; into §§ 178.71; 178.75.

(37) ISO 9809–3:2010(E): Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders, Second edition, 2010–04; into §§ 178.71; 178.75.

(38) ISO 9809–3:2019(E), Gas cylinders—Design, construction and testing of refillable seamless steel gas cylinders and tubes—Part 3: Normalized steel cylinders and tubes, Third edition, 2019–08; into §§ 178.71; 178.75

(39) ISO 9809–4:2014(E), Gas cylinders—Refillable seamless steel gas cylinders—Design, construction, and testing—Part 4: Stainless steel cylinders with an Rm value of less than 1100 MPa, First edition, 2014–07; into §§ 178.71; 178.75.

(40) ISO 9809–4:2021(E), Gas cylinders — Design, construction and testing of refillable seamless steel gas cylinders and tubes—Part 4: Stainless steel cylinders with an R_m value of less than 1100 MPa, Second edition, 2021–11; into §§ 178.71; 178.75.

(41) ISO 9978:1992(E)—Radiation protection—Sealed radioactive sources—Leakage test methods. First edition, (February 15, 1992); into § 173.469.

(42) ISO 10156:2017(E), Gas cylinders—Gases and gas mixtures—Determination of fire potential and oxidizing ability for the selection of cylinder valve outlets, Fourth edition, 2017–07; into § 173.115.

(43) ISO 10297:1999(E), Gas cylinders—Refillable gas cylinder valves—Specification and type testing, First edition, 1995–05; into §§ 173.301b; 178.71.

(44) ISO 10297:2006(E), Transportable gas cylinders—Cylinder valves—Specification and type testing, Second edition, 2006–01; into §§ 173.301b; 178.71.

(45) ISO 10297:2014(E), Gas cylinders—Cylinder valves—Specification and type testing, Third edition, 2014–07; into §§ 173.301b; 178.71.

(46) ISO 10297:2014/Amd 1:2017(E), Gas cylinders—Cylinder valves—Specification and type testing—Amendment 1: Pressure drums and tubes, Third edition, 2017–03; into §§ 173.301b; 178.71.

(47) ISO 10297:2024(E), Gas cylinders—Cylinder valves—Specification and type testing, Fourth edition, 2024–04; into §§ 173.301b; 178.71.

(48) ISO 10461:2005(E), Gas cylinders—Seamless aluminum-alloy gas cylinders—Periodic inspection and testing, Second Edition, 2005–02 and Amendment 1, 2006–07; into § 180.207.

(49) ISO 10462:2013(E), Gas cylinders—Acetylene cylinders—Periodic inspection and maintenance, Third edition, 2013–12; into § 180.207.

(50) ISO 10462:2013/Amd 1:2019(E), Gas cylinders—Acetylene cylinders—Periodic inspection and maintenance—Third edition, 2013–12, Amendment 1, 2019–06; into § 180.207.

(51) ISO 10692–2:2001(E), Gas cylinders—Gas cylinder valve connections for use in the micro-electronics industry—Part 2: Specification and type testing for valve to cylinder connections, First edition, 2001–08; into §§ 173.40; 173.302c.

(52) ISO 11114–1:2020/Amd 1:2023 (E), Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials, Third edition, 2020–05, Amendment 1, 2023–07; into §§ 172.102; 173.301b; 178.71.

(53) ISO 11114–2:2021(E), Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 2: Non-metallic materials, Third edition, 2021–10; into §§ 173.301b; 178.71.

(54) ISO 11117:1998(E): Gas cylinders—Valve protection caps and valve guards for industrial and medical gas cylinders—Design, construction, and tests, First edition, 1998–08–01, into § 173.301b.

(55) ISO 11117:2008(E): Gas cylinders—Valve protection caps and valve guards—Design, construction, and tests, Second edition, 2008–09; into § 173.301b.

(56) ISO 11117:2008/Cor.1:2009(E): Gas cylinders—Valve protection caps and valve guards—Design, construction, and tests, Technical Corrigendum 1, 2009–05; into § 173.301b.

(57) ISO 11117:2019(E), ''Gas cylinders—Valve protection caps and guards—Design, construction and tests, 2019–11; into § 173.301b.

(58) ISO 11118(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods, First edition, October 1999; into § 178.71.

(59) ISO 11118:2015(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods, Second edition, 2015–09; into §§ 173.301b; 178.71.

(60) ISO 11118:2015/Amd 1:2019(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods—Second edition, 2015–09–15—Amendment 1, Second Edition, 2019–10; into §§ 173.301b; 178.71.

(61) ISO 11119–1(E), Gas cylinders—Gas cylinders of composite construction—Specification and test methods—Part 1: Hoop-wrapped composite gas cylinders, First edition, May 2002; into § 178.71.

(62) ISO 11119–1:2012(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction, and testing—Part 1: Hoop wrapped fibre reinforced composite gas cylinders and tubes up to 450 L, Second edition, 2012–08; into §§ 178.71; 178.75.

(63) ISO 11119–1:2020(E), Gas cylinders—Design, construction and testing of refillable composite gas cylinders and tubes Part 1: Hoop wrapped fibre reinforced composite gas cylinders and tubes up to 450 l, Third edition, 2020–05; into §§ 178.71; 178.75.

(64) ISO 11119–2(E), Gas cylinders—Gas cylinders of composite construction—Specification and test methods—Part 2: Fully wrapped fibre reinforced composite gas cylinders with load-sharing metal liners, First edition, May 2002; into § 178.71.

(65) ISO 11119–2:2012(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction, and testing—Part 2: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with load-sharing metal liners, Second edition, 2012–07; into §§ 178.71; 178.75.

(66) ISO 11119–2:2012/Amd.1:2014(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction and testing—Part 2: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with load-sharing metal liners, Amendment 1, 2014–08; into §§ 178.71; 178.75.

(67) ISO 11119–2:2020(E), Gas cylinders—Design, construction and testing of refillable composite gas cylinders and tubes—Part 2: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with load-sharing metal liners, Third edition, 2020–11; into §§ 178.71; 178.75.

(68) ISO 11119–3(E), Gas cylinders of composite construction—Specification and test methods—Part 3: Fully wrapped fibre reinforced composite gas cylinders with non-load-sharing metallic or non-metallic liners, First edition, September 2002; into § 178.71.

(69) ISO 11119–3:2013(E), Gas cylinders—Refillable composite gas cylinders and tubes—Design, construction and testing—Part 3: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with non-load-sharing metallic or non-metallic liners, Second edition, 2013–04; into §§ 178.71; 178.75.

(70) ISO 11119–3:2020(E), Gas cylinders—Design, construction and testing of refillable composite gas cylinders and tubes—Part 3: Fully wrapped fibre reinforced composite gas cylinders and tubes up to 450 l with non-load-sharing metallic or non-metallic liners or without liners, Third edition, 2020–11; into §§ 178.71; 178.75.

(71) ISO 11119–4:2016(E), Gas cylinders—Refillable composite gas cylinders—Design, construction, and

testing—Part 4: Fully wrapped fibre reinforced composite gas cylinders up to 150 l with load-sharing welded metallic liners, First edition, 2016–02; into §§ 178.71; 178.75.

(72) ISO 11120(E), Gas cylinders—Refillable seamless steel tubes for compressed gas transport, of water capacity between 150 l and 3000 l—Design, construction, and testing, First edition, 1999–03; into §§ 178.71; 178.75.

(73) ISO 11120:2015(E), Gas cylinders—Refillable seamless steel tubes of water capacity between 150 l and 3000 l—Design, construction, and testing, Second edition, 2015–02; into §§ 178.71; 178.75.

(74) ISO 11513:2011(E), Gas cylinders—Refillable welded steel cylinders containing materials for sub-atmospheric gas packaging (excluding acetylene)—Design, construction, testing, use and periodic inspection, First edition, 2011–09; into §§ 173.302c; 178.71; 180.207.

(75) ISO 11513:2019(E), Gas cylinders—Refillable welded steel cylinders containing materials for sub-atmospheric gas packaging (excluding acetylene) —Design, construction, testing, use and periodic inspection, Second edition, 2019–09; into §§ 173.302c; 178.71; 180.207.

(76) ISO 11621(E), Gas cylinders—Procedures for change of gas service, First edition, April 1997; into §§ 173.302, 173.336, 173.337.

(77) ISO 11623(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders, First edition, March 2002; into § 180.207.

(78) ISO 11623(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders, Second edition, 2015–12; into § 180.207.

(79) ISO 11623(E), Gas cylinders—Composite cylinders and tubes—Periodic inspection and testing, Third edition, 2023–07; into § 180.207.

(80) ISO 13340:2001(E), Transportable gas cylinders—Cylinder valves for non-refillable cylinders—Specification and prototype testing, First edition, 2004–04; into § 178.71.

(81) ISO 13736:2008(E), Determination of flash point—Abel closed-cup method, Second Edition, 2008–09; into § 173.120.

(82) ISO 14246:2014(E), Gas cylinders—Cylinder valves—Manufacturing tests and examinations, Second Edition, 2014–06; into § 178.71.

(83) ISO 14246:2014/Amd 1:2017(E), Gas cylinders—Cylinder valves—Manufacturing tests and examinations—Amendment 1, Second edition, 2017–06; into § 178.71.

(84) ISO 14246:2022(E), Gas cylinders—Cylinder valves—Manufacturing tests and examinations, Third edition, 2022–02; into § 178.71.

(85) ISO 15105–1:2007(E), Plastics—Film and sheeting—Determination of gas-transmission rate Part 1: Differential-pressure methods, Second edition, 2007–10, into § 172.102.

(86) ISO 16111:2008(E), Transportable gas storage devices—Hydrogen absorbed in reversible metal hydride, First Edition, 2008–11; into §§ 173.301b; 173.311; 178.71.

(87) ISO 16111:2018(E), Transportable gas storage devices—Hydrogen absorbed in reversible metal hydride, Second edition, 2018–08; into §§ 173.301b; 173.311; 178.71.

(88) ISO 16148:2016(E), Gas cylinders—Refillable seamless steel gas cylinders and tubes—Acoustic emission examination (AT) and follow-up ultrasonic examination (UT) for periodic inspection and testing, Second edition, 2016–04; into § 180.207.

(89) ISO 16148:2016/Amd 1:2020(E), Gas cylinders—Refillable seamless steel gas cylinders and tubes—Acoustic emission examination (AT) and follow-up ultrasonic examination (UT) for periodic inspection and testing—Amendment 1, Second Edition, 2020–06; into § 180.207.

(90) ISO 17871:2015(E), Gas cylinders—Quick-release cylinder valves—Specification and type testing, First edition, 2015–08; into § 173.301b.

(91) ISO 17871:2020(E), Gas cylinders—Quick-release cylinder valves—Specification and type testing, Second edition, 2020–07; into § 173.301b.

(92) ISO 17879: 2017(E), Gas cylinders—Self-closing cylinder valves—Specification and type testing, First edition, 2017–07; into §§ 173.301b; 178.71.

(93) ISO 18119:2018/Amd 1:2021/Amd 2: 2024, Gas cylinders—Seamless steel and seamless aluminum-alloy gas cylinders and tubes—Periodic inspection and testing, First Edition, 2018–05, Amendment 2, 2024–06; into § 180.207.

(94) ISO 18172–1:2007(E), Gas cylinders—Refillable welded stainless steel cylinders—Part 1: Test pressure 6 MPa and below, First Edition, 2007–03–01; into § 178.71.

(95) ISO 20475:2018(E), Gas cylinders—Cylinder bundles—Periodic inspection and testing, First edition, 2018–02; into § 180.207.

(96) ISO 20703:2006(E), Gas cylinders—Refillable welded aluminum-alloy cylinders—Design, construction and testing, First Edition, 2006–05; into § 178.71.

(97) ISO 21172–1:2015(E), Gas cylinders—Welded steel pressure drums up to 3,000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1000 litres, First edition, 2015–04, into § 178.71.

(98) ISO 21172–1:2015/Amd 1:2018(E), Gas cylinders—Welded steel pressure drums up to 3000 litres capacity for the transport of gases—Design and construction—Part 1: Capacities up to 1000 litres—First Edition, 2015–04, Amendment 1, 2018–11; into § 178.71.

(99) ISO 22434:2006(E), Transportable gas cylinders—Inspection and maintenance of cylinder valves, First edition, 2006–09; into § 180.207.

(100) ISO 22434:2022(E), Gas cylinders—Inspection and maintenance of valves, Second edition, 2022–03; into § 180.207.

(101) ISO 23088:2020(E), Gas cylinders—Periodic inspection and testing of welded steel pressure drums—Capacities up to 1000 l, First edition, 2020–02; into § 180.207.

(102) ISO 23826:2021(E), Gas cylinders—Ball valves—Specification and testing, First edition, 2021–10, into §§ 173.301b and 178.71.

(103) ISO/TR 11364:2012(E), Gas cylinders—Compilation of national and international valve system/gas cylinder neck threads and their identification and marking system, First edition, 2012–12; into § 178.71.

* * * * *

(bb) * * *

(1) Transportation of Dangerous Goods Regulations (Transport Canada TDG Regulations), SOR 2001–286, as last amended on October 25, 2024, into §§ 107.801; 107.805; 171.12; 171.22; 171.23; 172.401; 172.407; 172.502; 172.519; 172.602; 173.31; 173.32; 173.33; 173.301; 180.205; 180.211; 180.212; 180.413.

* * * * *

(dd) *United Nations*, Bookshop, GA–1B–103, New York, NY 10017, 1–212–963–7680, *https://shop.un.org* or *bookshop@un.org*.

(1) UN Recommendations on the Transport of Dangerous Goods, Model Regulations (UN Recommendations), 24th revised edition, Volumes I and II, ST/SG/AC.10/1/Rev.24, (2024), into §§ 171.8; 171.12; 172.202; 172.401; 172.407; 172.502; 172.519; 173.22; 173.24; 173.24b; 173.40; 173.56; 173.192; 173.302b; 173.304b; 178.75; 178.274 as follows:

(i) Volume I, ST/SG/AC.10.1/21/Rev.24 (Vol. I).

(ii) Volume II, ST/SG/AC.10.1/21/Rev.24 (Vol. II).

(2) Manual of Tests and Criteria Eighth revised edition, Amendment 1

(2025), into §§ 171.24, 172.102; 173.21; 173.56; 173.57; 173.58; 173.60; 173.115; 173.124; 173.125; 173.127; 173.128; 173.137; 173.169; 173.185; 173.220; 173.221; 173.224; 173.225; 173.232; Part 173, appendix H; 175.10; 176.905; 178.274.

(3) Globally Harmonized System of Classification and Labelling of Chemicals (GHS), Eleventh revised edition, ST/SG/AC.10/30/Rev.11 (2025), into § 172.401.

(4) ADR 2025—Agreement concerning the International Carriage of Dangerous Goods by Road, copyright 2024; into §§ 171.8; 171.23 as follows:

(i) Volume I, ECE/TRANS/352/Vol.1 (Vol. I).

(ii) Volume II, ECE/TRANS/352/Vol.2 (Vol. II).

(5) UN/SCETDG/55/INF.27, United Nations Recommendations on Test Series 8: Applicability of Test Series 8(d), June 14, 2019; into § 172.102(c)(1), Special Provision 148.

* * * * *

■ 3. In § 171.8, revise the definitions of ''Large packaging,'' ''Large salvage packaging,'' and ''Single packaging'' to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Large packaging means a packaging that—

(1) Consists of an outer packaging that contains articles or inner packagings;

(2) Is designated for mechanical handling;

(3) Exceeds a net mass of 400 kg (882 pounds) or a capacity of 450 liters (119 gallons);

(4) Has an internal volume of not more than 3 cubic meters (m^3) (106 cubic feet) (*see* § 178.801(i) of this subchapter); and

(5) Conforms to the requirements for the construction, testing and marking of Large Packagings as specified in subparts P and Q of Part 178 of this subchapter.

* * * * *

Large salvage packaging means a special packaging into which damaged, defective, leaking, or non-conforming hazardous materials packages, or hazardous materials that have spilled or leaked are placed for the purpose of transport for recovery or disposal, that—

(1) Is designed for mechanical handling; and

(2) Exceeds a net mass of 400 kg (882 pounds) or a capacity of 450 L (119 gallons) but has an internal volume of not more than 3 cubic meters (m^3) (106 cubic feet).

* * * * *

Single packaging means a non-bulk packaging other than a combination packaging (*i.e.,* a packaging which does not require any inner packaging to perform its containment function during transport).

* * * * *

■ 4. In § 171.25, revise paragraph (c)(5) to read as follows:

§ 171.25 Additional requirements for the use of the IMDG Code.

* * * * *

(c) * * *

(5) No person may offer a UN fiber-reinforced plastic portable tank or service equipment meeting the provisions of Chapter 6.10 of the IMDG Code (IBR, *See* § 171.7), except for transportation falling within the single port area criteria in paragraph (d) of this section.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 5. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 6. In § 172.101, revise the entries to the § 172.101 Hazardous Materials Table as follows:

§ 172.101 Purpose and use of the hazardous materials table.

* * * * *

§ 172.101 Hazardous Materials Table.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.* * *)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE].												
	*		*		*	*	*		*	*			
	Butyl acrylates, stabilized	3	UN2348	III	3	387, B1, IB3, T2, TP1.	150	203	242	60 L	220 L	C	25.
	*		*		*	*	*		*	*			
	Chlorophenols, liquid	6.1	UN2021	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A.	
	Chlorophenols, solid	6.1	UN2020	III	6.1	IB8, IP3, T1, TP1, TP33.	153	213	240	100 kg	200 kg	A.	
	*		*		*	*	*		*	*			
	Fluoroanilines	6.1	UN2941	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A.	
	*		*		*	*	*		*	*			
	Lithium batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries.*	9	UN3536			389				Forbidden.	Forbidden.	D	25, 40.
	*		*		*	*	*		*	*			
	Refrigerating machines *containing flammable, non-toxic, liquefied gas.*	2.1	UN3358		2.1		306, 307	306	306	Forbidden.	Forbidden.	D	40.
	Refrigerating machines *containing non-flammable, non-toxic gases, or ammonia solutions (UN2672).*	2.2	UN2857		2.2	A53	306, 307	306	306, 307	450 kg	450 kg	A.	
	*		*		*	*	*		*	*			
	Vanadium pentoxide, *non-fused form.*	6.1	UN2862	III	6.1	IB8, IP3, T1, TP33	153	213	240	100 kg	200 kg	A	40.
	*		*		*	*	*		*	*			
	[ADD].												
	*		*		*	*	*		*	*			
	Butyl acrylates, stabilized	3	UN2348	II	3	387, IB2, T4, TP1	150	202	242	5 L	60 L	C	25, 40.
				III	3	387, B1, IB3, T2, TP1.	150	203	242	60 L	220 L	C	25.
	*		*		*	*	*		*	*			
G	Chlorophenols, corrosive, solid, n.o.s..	8	UN3562	II	8	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A.	
G	Chlorophenols, corrosive, toxic, solid, n.o.s..	8, 6.1	UN3561	II	8, 6.1	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	B	40.
G	Chlorophenols, toxic, liquid, n.o.s.	6.1	UN2021	III	6.1	IB3, T4, TP1	153	203	241	60 L	220 L	A.	
G	Chlorophenols, toxic, solid, n.o.s.	6.1	UN2020	III	6.1	IB8, IP3, T1, TP1, TP33.	153	213	240	100 kg	200 kg	A.	
	*		*		*	*	*		*	*			
	2,4-Difluoroaniline, see Toxic, liquids, organic, n.o.s.												

	*		*		*		*		*		*		*			
	2-Fluoroaniline, see Flammable liquids, toxic, n.o.s. *4-Fluoroaniline, see* Corrosive liquid, basic, organic, n.o.s. *o-Fluoroaniline, see* Flammable liquids, toxic, n.o.s. *p-Fluoroaniline, see* Corrosive liquid, basic, organic, n.o.s.															
	*		*		*		*		*		*		*			
	Lithium ion batteries installed in cargo transport unit.	9	UN3536				389, 410					Forbidden.	Forbidden.	D		25, 40.
	*		*		*		*		*		*		*			
	Lithium metal batteries installed in cargo transport unit.	9	UN3563				180, 389, 410					Forbidden.	Forbidden.	D		25, 40.
	*		*		*		*		*		*		*			
	Refrigerating machines *or* Heating machines *containing flammable, non-toxic, liquefied gas.*	2.1	UN3358		2.1		75		306, 307	306	306	Forbidden.	Forbidden.	D		40.
	Refrigerating machines *or* Heating machines, *containing non-flammable, non-toxic gases, or ammonia solutions (UN2672).*	2.2	UN2857		2.2		75, A53		306, 307	306	306, 307	450 kg	450 kg	A.		
	*		*		*		*		*		*		*			
	Sodium ion batteries installed in cargo transport unit.	9	UN3564				180, 389, 410					Forbidden.	Forbidden.	D		25, 40.
	*		*		*		*		*		*		*			
	Vanadium pentoxide, *non-fused form, containing not less than 10% respirable particles.*	6.1	UN2862	II	6.1		IB8, IP2, IP4, T3, TP33, TP43.		153	212	242	25 kg	100 kg	A.		
	Vanadium pentoxide, *non-fused form, containing less than 10% respirable particles.*	6.1	UN2862	III	6.1		IB8, IP3, T1, TP33		153	213	240	100 kg	200 kg	A.		
	*		*		*		*		*		*		*			
	[REVISE].															
	*		*		*		*		*		*		*			
G	Alkaloids, liquid, n.o.s., *or* Alkaloid salts, liquid, n.o.s.	6.1	UN3140	I	6.1		A4, A239, T14, TP2, TP27.		None	201	243	1 L	30 L	A.		
				II	6.1		A239, IB2, T11, TP2, TP27.		153	202	243	5 L	60 L	A.		
				III	6.1		A239, IB3, T7, TP1, TP28.		153	203	241	60 L	220 L	A.		
G	Alkaloids, solid, n.o.s. *or* Alkaloid salts, solid, n.o.s. *poisonous.*	6.1	UN1544	I	6.1		A239, IB7, IP1, T6, TP33.		None	211	242	5 kg	50 kg	A.		
				II	6.1		A239, IB8, IP2, IP4, T3, TP33.		153	212	242	25 kg	100 kg	A.		
				III	6.1		A239, IB8, IP3, T1, TP33.		153	213	240	100 kg	200 kg	A.		
	*		*		*		*		*		*		*			
	Amines, liquid, corrosive, n.o.s. or Polyamines, liquid, corrosive, n.o.s.	8	UN2735	I	8		B10, N34, T14, TP2, TP27.		None	201	243	0.5 L	2.5 L	A		52.
				II	8		B2, IB2, T11, TP2, TP27.		154	202	242	1 L	30 L	A		52.
				III	8		IB3, T7, TP1, TP28		154	203	241	5 L	60 L	A		52.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.* * *)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
	*	*	*	*	*	*	*	*	*	*			
	Ammonium hydrogendifluoride, solid.	8	UN1727	II	8. 6.1	IB8, IP2, IP4, N34, T3, TP33.	154	212	240	15 kg	50 kg	A	25, 40, 52, 53, 58.
	*	*	*	*	*	*	*	*	*	*			
G	Articles containing flammable gas, n.o.s.	2.1	UN3537		2.1	180, 391	None	232	232	Forbidden.	Forbidden.	D.	
G	Articles containing miscellaneous dangerous goods, n.o.s.	9	UN3548		9	180, 391, A224	None	232	232	Forbidden.	Forbidden.	A.	
G	Articles containing non-flammable, non-toxic gas, n.o.s.	2.2	UN3538		2.2	391, 396, 411, A225.	None	232	232	Forbidden.	Forbidden.	A.	
	*	*	*	*	*	*	*	*	*	*			
	Battery-powered vehicle or Battery-powered equipment.	9	UN3171		9	134, 180, 360	220	220	None	No limit	No limit	A.	
	*	*	*	*	*	*	*	*	*	*			
	Benzene sulfonyl chloride	8	UN2225	III	8	IB3, T4, TP1	154	203	241	5 L	60 L	A	40, 53, 58.
	*	*	*	*	*	*	*	*	*	*			
	Bromobenzene	3	UN2514	III	3	B1, IB3, T2, TP2	150	203	242	60 L	220 L	A.	
	*	*	*	*	*	*	*	*	*	*			
	Bromoform	6.1	UN2515	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A	12, 25, 40.
	*	*	*	*	*	*	*	*	*	*			
	5-tert-Butyl-2,4,6-trinitro-m-xylene *or* Musk xylene.	4.1	UN2956	III	4.1	159	None	223	None	Forbidden.	Forbidden.	D	12, 25, 40, 127.
	*	*	*	*	*	*	*	*	*	*			
	Chlorobenzyl chlorides, liquid	6.1	UN2235	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A.	
	*	*	*	*	*	*	*	*	*	*			
	Chloronitrotoluenes, liquid	6.1	UN2433	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A	44, 89, 100, 141.
	*	*	*	*	*	*	*	*	*	*			
	1,5,9-Cyclododecatriene	6.1	UN2518	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A	40.
	*	*	*	*	*	*	*	*	*	*			
	Cupriethylenediamine solution	8	UN1761	II	8, 6.1	IB2, T7, TP2	154	202	243	1 L	30 L	A	52.
				III	8, 6.1	IB3, T7, TP2, TP28	154	203	242	5 L	60 L	A	52, 95.
	*	*	*	*	*	*	*	*	*	*			
	Cymenes	3	UN2046	III	3	B1, IB3, T2, TP2	150	203	242	60 L	220 L	A.	
	*	*	*	*	*	*	*	*	*	*			
	Dangerous goods in articles *or* Dangerous goods in machinery *or* Dangerous goods in apparatus.	9	UN3363		9	136, 180, A105	None	222	None	See A105	See A105	A.	
	*	*	*	*	*	*	*	*	*	*			
	1,2-Di-(dimethylamino)ethane	3	UN2372	II	3, 6.1, 8	IB2, T7, TP1, TP28	150	202	242	5 L	60 L	B.	

	*		*		*	*	*	*	*	*				
	Dinitrophenol solutions	6.1	UN1599	II	6.1	IB2, T7, TP2	153	202	243	5 L	60 L	A	36.
				III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A	36.
	*		*		*	*	*	*	*	*				
	Dipentene	3	UN2052	III	3	B1, IB3, T2, TP2	150	203	242	60 L	220 L	A.		
	*		*		*	*	*	*	*	*				
	Engine, internal combustion, flammable gas powered *or* Engine, fuel cell, flammable gas powered *or* Machinery, internal combustion, flammable gas powered *or* Machinery, fuel cell, flammable gas powered.	2.1	UN3529		2.1	135, 180, A200	220	220	220	Forbidden.	No limit	E.		
	Engine, internal combustion, flammable liquid powered or Engine, fuel cell, flammable liquid powered or Machinery, internal combustion, flammable liquid powered or Machinery, fuel cell, flammable liquid powered.	3	UN3528		3	135, 180, A200	220	220	220	No limit	No limit	E	149.	
	Engine, internal combustion or Machinery, internal combustion.	9	UN3530		9	135, 180, A200	220	220	220	No limit	No limit	A.		
	*		*		*	*	*	*	*	*				
G	Environmentally hazardous substance, liquid, n.o.s.	9	UN3082	III	9	8, 146, 173, 335, 413, 441, IB3, T4, TP1, TP29.	155	203	241	No limit	No limit	A.		
	*		*		*	*	*	*	*	*				
	Ethylene oxide and carbon dioxide mixture *with more than 87% ethylene oxide*.	2.3	UN3300		2.3, 2.1, 8	4	None	304	314, 315	Forbidden.	Forbidden.	D	40.	
	Ethylene oxide and carbon dioxide mixture *with more than 9% but not more than 87% ethylene oxide*.	2.1	UN1041		2.1, 8	T50	306	304	314, 315	Forbidden.	25 kg	B	40.	
	*		*		*	*	*	*	*	*				
	Ethylene oxide *or* Ethylene oxide with nitrogen *up to a total pressure of 1 MPa (10 bar) at 50 degrees C*.	2.3	UN1040		2.3, 2.1, 8	4, 342, T50, TP20	None	323	323	Forbidden.	Forbidden.	D	40.	
	*		*		*	*	*	*	*	*				
	Hexachlorobutadiene	6.1	UN2279	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A.		
	*		*		*	*	*	*	*	*				
	Hydrazine, anhydrous	8	UN2029	I	8, 3, 6.1	74, 601, A7, A10, B7, B16, B53.	None	201	243	Forbidden.	2.5 L	D	40, 52, 125.	
	*		*		*	*	*	*	*	*				
	Hydrocarbon gas mixture, liquefied, n.o.s.	2.1	UN1965		2.1	412, T50	306	304	314, 315	Forbidden.	150 kg	E	40.	
	*		*		*	*	*	*	*	*				
	Lead perchlorate, solution	5.1	UN3408	II	5.1, 6.1	IB2, T4, TP2	152	202	243	1 L	5 L	A	56, 58.	
				III	5.1, 6.1	IB2, T4, TP2	152	203	242	2.5 L	30 L	A	56, 58.	
	*		*		*	*	*	*	*	*				
	Life-saving appliances, not self-inflating containing dangerous goods as equipment.	9	UN3072		None	180, 182	None	219	None	No limit	No limit	A	122.	

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification No.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.* * *)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
	Life-saving appliances, self-inflating.	9	UN2990		None	180, 338	None	219	None	No limit	No limit	A	122.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Lithium batteries installed in cargo transport unit lithium ion batteries or lithium metal batteries.	9	UN3536			180, 389				Forbidden.	Forbidden.	A.	
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Lithium ion batteries *including lithium ion polymer batteries.*	9	UN3480		9	388, 410, 422, A54, A100.	185	185	185	Forbidden.	35 kg	A	156.
	Lithium ion batteries contained in equipment *including lithium ion polymer batteries.*	9	UN3481		9	181, 360, 388, 410, 422, A54, A100.	185	185	185	5 kg	35 kg	A	156.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Lithium ion batteries packed with equipment *including lithium ion polymer batteries.*	9	UN3481		9	181, 360, 388, 410, 422, A54, A100.	185	185	185	5 kg	35 kg	A	156.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Petroleum gases, liquefied *or* Liquefied petroleum gas.	2.1	UN1075		2.1	T50, N95, 412	306	304	314, 315	Forbidden.	150 kg	E	40.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Polychlorinated biphenyls, liquid	9	UN2315	II	9	9, 81, 140, IB3, T4, TP2.	155	202	241	100 L	220 L	A	95.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Silane	2.1	UN2203		2.1		None	302	None	Forbidden.	Forbidden.	D	40, 57, 104.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Sodium ion batteries *with organic electrolyte.*	9	UN3551		9	400, 401, 410, 422, A54, A100.	185	185	185	Forbidden.	35 kg	A	156.
	Sodium ion batteries contained in equipment *with organic electrolyte.*	9	UN3552		9	181, 360, 400, 401, 410, 422, A54, A100.	185	185	185	5 kg	35 kg	A	156.
	Sodium ion batteries packed with equipment *with organic electrolyte.*	9	UN3552		9	181, 360, 400, 401, 410, 422, A54, A100.	185	185	185	5 kg	35 kg	A	156.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Tetrabromoethane	6.1	UN2504	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A.	
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Tetrachloroethylene	6.1	UN1897	III	6.1	IB3, N36, T4, TP2	153	203	241	60 L	220 L	A	40.
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Trichlorobenzenes, liquid	6.1	UN2321	III	6.1	IB3, T4, TP2	153	203	241	60 L	220 L	A.	

*	*	*	*	*	*	*	*						
Vehicle, flammable liquid powered or Vehicle, fuel cell, flammable liquid powered.	9	UN3166	.....	9	.....	135, 180, A200	.....	220	.....	220	.....	220	.....	No limit	..	No limit	..	A.
*	*	*	*	*	*	*	*						
Vehicle, lithium ion battery powered.	9	UN3556	.....	9	.....	134, 135, 180, 360, A100.	.....	220	.....	220	.....	None	.....	No limit	..	No limit	..	A.
Vehicle, lithium metal battery powered.	9	UN3557	.....	9	.....	134, 135, 180, 360, A100.	.....	220	.....	220	.....	None	.....	No limit	..	No limit	..	A.
Vehicle, sodium ion battery powered.	9	UN3558	.....	9	.....	134, 135, 180, 360, A100.	.....	220	.....	220	.....	None	.....	No limit	..	No limit	..	A.
*	*	*	*	*	*	*	*						

* * * * *

■ 7. In § 172.102:

■ a. In paragraph (c)(1), revise special provisions 135, 136, 160, 196, 360, 379, and 388, 389, 401, and add new special provisions 75, 410, 411, 412, 413, and 601 in numerical order;

■ b. In paragraph (c)(2), revise special provision A53 and add new special provision A239 in numerical order;

■ c. Revise paragraph (c)(4) introductory text; and

■ d. In paragraph (c)(8)(ii), add new special provision TP43 in numerical order.

The additions and revisions read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

75 Refrigerating machines include air conditioning units and machines or other appliances which have been designed for the specific purpose of keeping food or other items at low temperature in an internal compartment. Heating machines include machines or other appliances which have been designed for the specific purpose of heating. Machines that are used to perform heating and cooling functions may be transported either under ''Refrigerating machines'' or ''Heating machines.''

* * * * *

135 Internal combustion engines installed in a vehicle must be described using ''Vehicle, flammable gas powered'' or ''Vehicle, flammable liquid powered,'' as appropriate. If a vehicle is powered by a flammable liquid and a flammable gas internal combustion engine, it must be described using ''Vehicle, flammable gas powered.'' This includes hybrid electric vehicles powered by both an internal combustion engine and wet, nickel-metal hydride, lithium metal, lithium ion, metallic sodium, sodium alloy, or sodium ion batteries installed. If a fuel cell engine is installed in a vehicle, the vehicle must be described using ''Vehicle, fuel cell, flammable gas powered'' or ''Vehicle, fuel cell, flammable liquid powered,'' as appropriate. This includes hybrid electric vehicles powered by a fuel cell, an internal combustion engine, and wet, nickel-metal hydride, lithium metal, lithium ion, metallic sodium, sodium alloy, or sodium ion batteries installed. Electric vehicles must be described as ''Vehicle, lithium ion battery powered,'' ''Vehicle, lithium metal battery powered,'' and ''Vehicle, sodium ion battery powered'' as appropriate, for vehicles powered solely by lithium ion, lithium metal or sodium ion batteries transported with the batteries installed. Electric vehicles powered solely by hybrid batteries containing both lithium ion cells and sodium ion cells must be described as ''Vehicle, lithium ion battery powered.'' Further, for the purpose of this special provision, vehicles are self-propelled apparatus designed to carry one or more persons or goods. Examples of such vehicles are cars, motorcycles, trucks, locomotives, scooters, three-wheeled and four-wheeled vehicles or motorcycles, lawn tractors, self-propelled farming and construction equipment, boats, and aircraft. Lithium batteries or sodium ion batteries installed in a cargo transport unit, designed only to provide power external to the cargo transport unit must be described using the proper shipping name ''Lithium ion batteries installed in cargo transport unit,'' ''Lithium metal batteries installed in cargo transport unit,'' or ''Sodium ion batteries installed in cargo transport unit,'' as appropriate.

136 This entry applies only to articles, machinery, and apparatus containing hazardous materials as an integral element of the article, machinery, or apparatus. It may not be used to describe articles, machinery, or apparatus for which a proper shipping name exists in the § 172.101 Table. Except when approved by the Associate Administrator, these items may only contain hazardous materials for which exceptions are referenced in Column (8) of the § 172.101 Table and are provided in part 173, subparts D and G, of this subchapter. Such articles may contain lithium or sodium ion cells or batteries, provided that the cells or batteries: (1) provide electrical power for the operation of the article; and (2) meet the requirements of §§ 173.185(a) and (c) of this subchapter. Articles containing no other dangerous goods other than lithium cells or batteries or sodium ion cells or batteries shall be transported under ''UN3091, Lithium metal batteries contained in equipment,'' ''UN3481, Lithium ion batteries contained in equipment,'' or ''UN3552, Sodium ion batteries contained in equipment,'' as appropriate.

Hazardous materials shipped under this entry are excepted from the labeling requirements of this subchapter unless offered for transportation or transported by aircraft and are not subject to the placarding requirements of subpart F of this part. Orientation markings as described in § 172.312(a)(2) are required when liquid hazardous materials may escape due to incorrect orientation. The article, machinery, or apparatus, if unpackaged, or the packaging in which it is contained shall be marked ''Dangerous goods in articles'' or ''Dangerous goods in machinery'' or ''Dangerous goods in apparatus'' as appropriate, with the identification number UN3363. For transportation by aircraft, articles, machinery, or apparatus, may not contain any material forbidden for transportation by passenger or cargo aircraft. The Associate Administrator may except from the requirements of this subchapter articles, machinery, and apparatus provided:

a. It is shown that it does not pose a significant risk in transportation;

b. The quantities of hazardous materials do not exceed those specified in § 173.4a of this subchapter; and

c. The equipment, and machinery or apparatus articles conforms with § 173.222 of this subchapter.

* * * * *

160 This entry applies to safety devices for vehicles, vessels, or aircraft, *e.g.,* air bag inflators, air bag modules, seatbelt pretensioners, and pyromechanical devices containing Class 1 (explosive) materials or materials of other hazard classes. These articles must be tested in accordance with Test Series 6(c) of part I of the UN Manual of Tests and Criteria (IBR; *See* § 171.7 of this subchapter), with no explosion of the device, no fragmentation of device casing or pressure vessel, and no projection hazard or thermal effect that would significantly hinder firefighting or other emergency response efforts in the immediate vicinity. If the air bag inflator unit satisfactorily passes the series 6(c) test, it is not necessary to repeat the test on the air bag module. This entry does not apply to fire suppressant dispersing devices as described in § 173.169 (UN3559), nor to life-saving appliances described in § 173.219 (UN2990 and UN3072). However, this entry may be used for safety devices of Class 9 transported for installation in life-saving appliances in accordance with § 173.219.

* * * * *

180 Articles, vehicles, or equipment containing damaged, defective, or recalled lithium or sodium ion batteries must either be (1) transported without the battery, or (2) shipped under the article's original classification while meeting the packaging and marking requirements of § 173.185(f). In addition, for vessel transport, damaged or safety-defective batteries in vehicles must be removed in accordance with § 176.905(a)(3).

* * * * *

196 The nitrocellulose must meet the criteria of the Bergmann-Junk test or

methyl violet paper test in the UN Manual of Tests and Criteria, Appendix 10 (IBR, *see* § 171.7 of this subchapter). Test of type 3(c) is not required for dry or unmodified nitrocellulose.

* * * * *

360 Vehicles powered only by lithium ion batteries, lithium metal batteries, or sodium ion batteries, must be described using one of the following identification numbers ''UN3556, Vehicle, lithium ion battery powered,'' ''UN3557, Vehicle, lithium metal battery powered,'' or ''UN3558, Vehicle, sodium ion battery powered,'' as appropriate, to describe the battery technology providing the motive power for the vehicle. Lithium batteries and sodium ion batteries installed in cargo transport units, designed only to provide power external to the transport unit, must be described using ''UN3536, Lithium ion batteries installed in cargo transport unit,'' ''UN3563, Lithium metal batteries installed in cargo transport unit,'' or ''UN3564, Sodium ion batteries installed in cargo transport unit.'' Hybrid batteries containing both lithium ion and sodium ion cells or batteries installed, designed only to provide power external to the transport unit, must be described using ''UN3536, Lithium ion batteries installed in a cargo transport unit.''

* * * * *

379 * * *

d. * * *

(1) Receptacles shall be made of a material compatible with ammonia as specified in ISO 11114–1:2020(E) and ISO 11114–1:2020/Amd 1:2023(E) (IBR, *see* § 171.7 of this subchapter);

* * * * *

388 * * *

b. Lithium batteries conforming to paragraph a. of this special provision must be assigned to UN3090 or UN3091, as appropriate. When such batteries are transported in accordance with § 173.185(c), the total lithium content of all lithium metal cells contained in the battery must not exceed 1.5 g and the total watt-hour rating of all lithium ion cells contained in the battery must not exceed 10 Wh.

389 Entries assigned this special provision include those for lithium ion batteries, lithium metal batteries, sodium ion batteries, or hybrid batteries containing both lithium ion and sodium ion cells (see § 172.102, special provision 410) and requirements in this special provision apply to these battery types installed in a cargo transport unit which is designed only to provide power external to the cargo transport unit.

a. The batteries must meet the requirements of § 173.185(a) of this subchapter and contain the necessary systems to prevent overcharge and over discharge between the batteries.

b. The batteries must be securely attached to the interior structure of the cargo transport unit (*e.g.,* by means of placement in racks, cabinets, etc.) in such a manner as to prevent short circuits, accidental operation, and significant movement relative to the cargo transport unit under the shocks, loadings, and vibrations normally incident to transport. Hazardous materials necessary for the safe and proper operation of the cargo transport unit (*e.g.,* fire extinguishing systems and air conditioning systems), must be properly secured to or installed in the cargo transport unit and are not otherwise subject to this subchapter.

c. Hazardous materials not necessary for the safe and proper operation of the cargo transport unit must not be transported within the cargo transport unit.

d. The batteries inside the cargo transport unit are not subject to marking or labelling requirements of Part 172 subparts D and E of this subchapter.

e. The cargo transport unit shall display the UN number in a manner in accordance with § 172.332 of this subchapter and be placarded on two opposing sides.

f. Where the cargo transport unit is designed with multiple battery chemistries for energy storage, the emergency response information, as required by subpart G of this part, must also identify the additional battery chemistry type contained in the cargo transport unit and provide information on immediate methods for handling fires if different from response measure for the primary battery type.

g. For transportation by aircraft, cargo transport units may only be offered for transportation and transported under conditions approved by the Associate Administrator.

* * * * *

401 Sodium ion cells and batteries with organic electrolyte shall be transported as UN3551 or UN3552, as appropriate. Sodium ion cells and batteries with aqueous alkali electrolyte shall be transported as ''UN2795, Batteries, wet, filled with alkali, *electric storage.*'' Batteries and cells containing metallic sodium or sodium alloy must be transported as ''UN3292, Batteries, containing sodium metallic sodium *or* sodium alloy'' or ''UN3292, Cells, containing metallic sodium *or* sodium alloy,'' as appropriate.

* * * * *

410 Hybrid batteries containing both lithium ion cells and sodium ion cells shall be described using one of the four following proper shipping names ''UN3480, Lithium ion batteries,'' ''UN3481, Lithium ion batteries contained in equipment or Lithium ion batteries packed with equipment,'' ''UN3536, Lithium ion batteries, in cargo transport unit,'' or ''UN3556, Vehicle, lithium ion battery powered,'' as appropriate. These shipments must be prepared and offered for transportation in accordance with the appropriate regulatory requirements. When such batteries are transported in accordance with § 173.185(c), the watt-hour rating must not exceed 100 Wh and shall be marked on the outside case. Hybrid batteries, containing both lithium ion cells and sodium ion cells must meet the following conditions:

a. The lithium ion cells and sodium ion cells are electrically connected;

b. The battery has been tested as a lithium ion battery; and

c. Each component lithium ion and sodium ion cell of the battery must be of a type proved to meet the respective testing requirements of the UN Manual of Tests and Criteria, part III, subsection 38.3 (IBR, *see* § 171.7 of this subchapter).

411 Articles transported under this entry include magnetic resonance imaging (MRI) scanners containing non-flammable, non-toxic gas. The non-flammable, non-toxic gas must be contained within MRI scanner components. The MRI scanners must be designed and constructed to contain the gas and preclude the risk of bursting or cracking the gas retaining components during normal conditions of transport. MRI scanners are not subject to the requirements of this subchapter when containing less than 12 kg of a Division 2.2 gas.

412 This entry may not contain more than 12 percent by mass of dimethyl ether.

413 Substances classified under this entry and used as liquid organic hydrogen carriers (LOHC) may only be transported under this entry when the content of physically dissolved hydrogen does not exceed 0.5 L (H_2)/kg (LOHC).

* * * * *

601 When a cylinder is used to transport this material, the internal pressure at 65 °C (149 °F) shall not exceed the test pressure.

* * * * *

(2) * * *

* * * * *

A53 Refrigerating and heating machines and their components are not

subject to the requirements of this subchapter when containing less than 12 kg (26.4 pounds) of a non-flammable gas or when containing 12 L (3 gallons) or less of ammonia solution (UN2672) (*see* § 173.307 of this subchapter).

* * * * *

A225 UN3538, Articles containing non-flammable, non-toxic gas, n.o.s. may be transported on passenger and cargo-only aircraft irrespective of the indication of ''forbidden'' in Columns (9A) and (9B) of the Hazardous Materials Table, provided the following conditions are met:

a. With the exception of lithium and sodium ion cells or batteries that comply with § 173.185(c), as applicable, the only dangerous good contained in the article is a Division 2.2 gas without a subsidiary hazard, but excluding refrigerated liquefied gases and gases forbidden for transport on passenger aircraft;

b. The articles are packed in accordance with § 173.232(h); and

c. Reference to Special Provision A225 is made on the shipping paper.

* * * * *

A239 The technical or chemical group names are not required to be indicated on a shipping paper or on the package if a national law or international convention prohibits its disclosure if it is a controlled substance.

* * * * *

(4) *IB Codes and IP Codes.* These provisions apply only to transportation in IBCs and Large Packagings. Table 1 authorizes IBCs for specific proper shipping names through the use of IB Codes assigned in the § 172.101 table of this subchapter. Table 2 defines IP Codes on the use of IBCs that are assigned to specific commodities in the § 172.101 Table of this subchapter. Table 3 authorizes Large Packagings for specific proper shipping names through the use of IB Codes assigned in the § 172.101 table of this subchapter. Large Packagings are authorized for the Packing Group III entries of specific proper shipping names when either special provision IB3 or IB8 is assigned to that entry in the § 172.101 Table. When no IB code is assigned for a specific proper shipping name in the § 172.101 Table, use of an IBC or Large Packaging for the material may be authorized when approved by the Associate Administrator. However, notwithstanding assignment of an IB code, the following Part 173 packaging sections assigned to certain proper shipping names authorize use of either IBCs or Large Packagings as specified within § 173.185; § 173.232; and § 173.225(e) Organic Peroxide Table for Type F organic peroxides. The letter ''Z'' shown in the marking code for composite IBCs must be replaced with a capital code letter designation found in § 178.702(a)(2) of this subchapter to specify the material used for the other packaging. Tables 1, 2, and 3 follow:

* * * * *

(8) * * *

(ii) * * *

* * * * *

TP43 Portable tank instruction T1 may continue to be applied until December 31, 2028.

* * * * *

■ 8. In § 172.202, paragraph(a)(6)(iii) is revised as follows:

§ 172.202 Description of hazardous material on shipping papers.

(a) * * *

(6) * * *

(iii) For dangerous goods in apparatus, articles, or machinery, the individual total quantities or an estimate of the individual total quantities of dangerous goods in solid, liquid or gaseous state, contained in the article must be shown;

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 9. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 10. In § 173.2a, revise Note 2 as follows:

§ 173.2a Classification of a material having more than one hazard.

* * * * *

Note 2: A material which meets the definition of Class 8 and has an inhalation toxicity by dusts and mists which meets criteria for Packing Group I specified in § 173.133(a)(1) must be classed as Division 6.1 if the oral or dermal toxicity meet criteria for Packing Group I or II. If the oral and dermal toxicity meet criteria for Packing Group III or less, the material must be classed as Class 8.

* * * * *

■ 11. Revise § 173.14 to read as follows:

§ 173.14 Hazardous materials in devices in use or intended for use during transport.

(a) Except for transportation by aircraft, hazardous materials (*e.g.,* lithium batteries, sodium ion batteries, or fuel cell cartridges) contained in devices, such as data loggers, sensors, and cargo tracking devices, attached to or placed in packages, overpacks, or freight containers, or other types of cargo transport units are not subject to this subchapter other than the following:

(1) The device must be in use or intended for use during transportation;

(2) The hazardous materials (*e.g.,* lithium batteries, sodium ion batteries, or fuel cell cartridges) must meet the applicable construction and test requirements specified in this subchapter;

(3) The device must be capable of withstanding the shocks and loadings normally encountered during transport and must be safe for use in the environments to which it may be exposed; and

(4) When offered for transport by vessel, the requirements in § 176.76(a)(9) of this subchapter apply.

(b) For transportation by aircraft, data loggers, sensors, and cargo tracking devices with installed lithium or sodium ion cells or batteries, attached to, or placed in packages, overpacks, or unit load devices are not subject to this subchapter provided the following conditions are met:

(1) The devices must be in use or intended for use during transport;

(2) Each cell or battery must meet the requirements of § 173.185(a) and applicable requirements of § 172.102, Special Provision 388 of this subchapter;

(3) For a lithium ion or sodium ion cell or battery, the Watt-hour rating may not exceed 20 Wh;

(4) For a lithium metal cell or battery, the lithium content may not exceed 1 g;

(5) The number of devices in use or used must be no more than the number required to operate for the specific consignment;

(6) The devices must be capable of withstanding the shocks and loadings normally encountered during transport;

(7) The devices must not be capable of generating a dangerous evolution of heat; and

(8) The devices must meet defined standards for electromagnetic radiation to ensure that the operation of the device does not interfere with aircraft systems.

(c) Notwithstanding paragraph (b), when transported by aircraft, data loggers, sensors and cargo tracking devices with installed lithium cells or batteries or sodium ion batteries, attached to, or placed in packages containing COVID–19 pharmaceuticals, are not subject to the marking and documentation requirements of §§ 173.185(c)(3) and (c)(4)(iv). This same package, when shipped without the COVID–19 pharmaceuticals for the purpose of use or reuse, is also not subject to the marking and

documentation requirements of §§ 173.185(c)(3) and (c)(4)(iv), as applicable, provided prior arrangements have been made with the operator.

(d) The exceptions provided by this section do not apply to hazardous materials shipped as cargo. Hazardous materials contained in devices as described in this section, when transported as a cargo, are subject to, and must be transported in accordance with, all applicable requirements of this subchapter.

* * * * *

■ 12. In § 173.32, revise paragraph (f)(5) to read as follows:

§ 173.32 Requirements for the use of portable tanks.

* * * * *

(f) * * *

(5) Except for a non-flowable solid or a liquid with a viscosity of 2,680 centistokes (millimeters squared per second) or greater at 20 °C (68 °F), an IM or UN portable tank, or compartment thereof, having a volume greater than 7,500 L (1,980 gallons) may not be loaded to a filling density of more than 20% and less than 80% by volume. This filling restriction does not apply if a portable tank is divided by partitions or surge plates into compartments of not more than 7,500 L (1,980 gallons) capacity; this portable tank must not be offered for transportation in a filling condition liable to produce an unacceptable hydraulic force due to surge.

* * * * *

■ 13. In § 173.62, revise Table 2 to paragraph (c)(5) Packing Instruction 130, to read as follows:

§ 173.62 Specific packaging requirements for explosives.

* * * * *

(c) * * *

(5) * * *

TABLE 2 TO PARAGRAPH (c)(5)—TABLE OF PACKING METHODS

*	*	*	*	*	*	*
Packaging instruction			Inner packagings	Intermediate packagings	Outer packagings	
130			Not necessary	Not necessary	Boxes, Drums, Large Packagings	
Particular Packaging Requirements: 1. The following applies to UN 0006, 0009, 0010, 0015, 0016, 0018, 0019, 0034, 0035, 0038, 0039, 0048, 0056, 0137, 0138, 0168, 0169, 0171, 0181, 0182, 0183, 0186, 0221, 0238, 0243, 0244, 0245, 0246, 0254, 0280, 0281, 0286, 0287, 0297, 0299, 0300, 0301, 0303, 0321, 0328, 0329, 0344, 0345, 0346, 0347, 0362, 0363, 0370, 0412, 0424, 0425, 0434, 0435, 0436, 0437, 0438, 0451, 0459, 0488, 0502 and 0510. Large and robust explosives articles, normally intended for military use, without their means of initiation or with their means of initiation containing at least two effective protective features, may be carried unpackaged. When such articles have propelling charges or are self-propelled, their ignition systems must be protected against stimuli encountered during normal conditions of transport. A negative result in Test Series 4 on an unpackaged article indicates that the article can be considered for transport unpackaged. Such unpackaged articles may be fixed to cradles or contained in crates or other suitable handling devices. 2. Subject to approval by the Associate Administrator, large explosive articles, as part of their operational safety and suitability tests, subjected to testing that meets the intentions of Test Series 4 of the UN Manual of Tests and Criteria with successful test results, may be offered for transportation in accordance with the requirements of this subchapter. 3. For UN0012 and UN0014, notwithstanding the requirements of § 173.60(b)(3) of this subpart, articles in metal packagings may be packed without internal cushioning, fittings, coating or liner.					Steel (4A). Aluminum (4B). Other metal (4N). Wood natural, ordinary (4C1). Wood natural, sift-proof walls (4C2). Plywood (4D). Reconstituted wood (4F). Fiberboard (4G). Plastics expanded (4H1). Plastics, solid (4H2). Drums. Steel (1A1 or 1A2). Aluminum (1B1 or 1B2). Other metal (1N1 or 1N2). Plywood (1D). Fiber (1G). Plastics (1H1 or 1H2). Large Packagings. Steel (50A). Aluminum (50B). Metal other than steel or aluminum (50N). Rigid plastics (50H). Natural wood (50C). Plywood (50D). Reconstituted wood (50F). Rigid fiberboard (50G).	

* * * * *

■ 14. In § 173.125, revise paragraph (c)(2)(ii) to read as follows:

§ 173.125 Class 4—Assignment of packing group.

* * * * *

(c) * * *

(2) * * *

(ii) Packing Group III, if—

(A) A positive test result is obtained in a test using a 100 mm sample cube at 140 °C and a negative test result is obtained in a test using a 25 mm sample cube at 140 °C and the substance is transported in packagings with an internal volume of more than 3 cubic meters; or

(B) A positive test result is obtained in a test using a 100 mm sample cube at 120 °C and a negative result is obtained in a test using a 25 mm sample cube at 140 °C and the substance is transported in packagings with an internal volume of more than 450 L; or

(C) A positive result is obtained in a test using a 100 mm sample cube at 100 °C and a negative result is obtained in a test using a 25 mm sample cube at 140 °C and the substance is transported in packagings with an internal volume of less than 450 L.

* * * * *

■ 15. In § 173.166, revise the introductory text to read as follows:

§ 173.166 Safety devices.

For the purpose of this section, safety devices are articles which contain pyrotechnic substances or hazardous materials of other classes and are used in vehicles, vessels, aircraft, or lifesaving appliances to enhance safety to persons. Examples are air bag inflators, air bag modules, seatbelt pretensioners, inflator components for self-inflating wearable safety equipment, and pyromechanical devices. Pyromechanical devices are assembled components for tasks such as but not limited to separation, locking, release-and-drive or occupant restraint. The term includes ''Safety devices, pyrotechnic.''

* * * * *

■ 16. In § 173.185, revise paragraphs (c)(3) introductory text, (c)(3)(i), and (c)(3)(iv) to read as follows:

§ 173.185 Lithium cells and batteries and sodium ion cells and batteries.

* * * * *

(c) * * *

(3) *Battery mark.* Each package must display the battery mark except when a package contains only button cell batteries installed in equipment (including circuit boards), or for a consignment of no more than two packages, each package contains not more than four lithium cells or sodium ion cells or two lithium or sodium ion batteries contained in equipment. Installed button cell batteries do not count toward package or consignment limits.

(i) The mark must indicate the UN number: ''UN3090'' for lithium metal cells or batteries; ''UN3480'' for lithium ion cells or batteries; or ''UN3551'' for sodium ion cells or batteries. If the lithium or sodium ion cells or batteries are contained in, or packed with, equipment, the UN number ''UN3091,'' ''UN3481,'' or ''UN3552,'' as appropriate, must be indicated. If a package contains a combination of lithium or sodium ion cells or batteries assigned to different UN numbers, all applicable UN numbers must be indicated on one or more marks. However, where equipment contains one or more button cells in addition to cells or batteries there is no requirement for the UN number indicating the button cell to be included on the mark. The package must be of such size that there is adequate space to affix the mark on one side without the mark being folded.

* * * * *

(iv) When the battery mark and labels in accordance with subpart E of Part 172 of this subchapter other than the Class 9 label for lithium batteries or sodium ion batteries (see § 172.447 of this subchapter) are required, the battery mark must be located on the same surface as the labels if the package dimensions are adequate.

* * * * *

■ 17. In § 173.219, revise paragraphs (a) and (b)(6) to read as follows:

§ 173.219 Life-saving appliances.

* * * * *

(a) A life-saving appliance, self-inflating or not self-inflating, containing small quantities of hazardous materials that are required as part of the lifesaving appliance must conform to the requirements of this section. Examples of such appliances include life rafts, life vest, personal flotation devices, self-inflating protective equipment, and self-inflating slides. Packagings must conform to the general packaging requirements of subpart B of this part but need not conform to the requirements of Part 178 of this subchapter. The appliances must be packed, so that they cannot be accidentally activated and, except for life vests, the hazardous materials must be in inner packagings packed so as to prevent shifting within the outer packaging. The hazardous materials must be an integral part of the appliance and in quantities that do not exceed those appropriate for the actual appliance when in use.

(b) * * *

(6) For self-inflating life-saving appliances only, the following devices must be installed for purposes of the self-inflating mechanism and the total quantity of energetic material per life-saving appliance is limited to 3.2 g:

(i) Cartridges, power device of Division 1.4S (UN0323); or

(ii) Safety devices of Class 9 (UN3268); or

* * * * *

■ 18. In § 173.220, revise paragraph (h) as follows

§ 173.220 Internal combustion engines, vehicles, machinery containing internal combustion engines, battery-powered equipment or machinery, fuel cell-powered equipment or machinery.

* * * * *

(h) *Exceptions.* Except as provided in paragraph (f)(2) of this section, shipments made under the provisions of this section—

(1) Are not subject to any other requirements of this subchapter for transportation by motor vehicle or rail car;

(2) Are not subject to the requirements of subparts D, E, and F (marking, labeling and placarding, respectively) of Part 172 of this subchapter or § 172.604 of this subchapter (emergency response telephone number) for transportation by aircraft. For transportation by aircraft, the provisions of § 173.159(b)(2) as applicable, the provisions of § 173.230(f), as applicable, other applicable requirements of this subchapter, including shipping papers, emergency response information, notification of pilot-in-command, general packaging requirements, and the requirements specified in § 173.27 must be met; and

(3) For exceptions for transportation by vessel; *see* § 176.905 of this subchapter for vehicles, and § 176.906 of this subchapter for engines and machinery.

(4) Notwithstanding the exceptions provided in paragraphs (h)(1) through (h)(3) of this section, packaged lithium or sodium ion battery-powered vehicles are subject to the marking and labeling requirements of subparts D and E of Part 172 of this subchapter.

* * * * *

■ 19. In § 173.222:

■ a. Revise paragraphs (a) and (c).

■ b. Add new paragraph (b)(4).

The addition and revisions read as follows:

§ 173.222 Dangerous goods in articles, machinery, or apparatus.

* * * * *

(a) If the article, machinery, or apparatus contains more than one item of hazardous materials and these could react dangerously with one another during transport, each of the hazardous materials must be enclosed separately.

* * * * *

(b) * * *

(4) Lithium and sodium ion cells and batteries must be protected from damage and short circuit, and the article, machinery, or apparatus must be equipped with an effective means of preventing accidental activation.

(c) The quantity limits, other than for installed lithium and sodium ion cells or batteries, are as follows:

(1) Except for transportation by aircraft, the total net quantity of hazardous materials contained in one item of an article, machinery, or apparatus must not exceed the following:

(i) In the case of solids or liquids, the limited quantity amount specified in the corresponding section referenced in Column (8A) of the § 172.101 Table;

(ii) 0.5 kg (1.1 pounds) in the case of Division 2.2 gases.

(iii) When an article, machinery, or apparatus contains multiple hazardous materials, the quantity of each

hazardous material must not exceed the quantity specified in the corresponding section referenced in Column (8A) of the § 172.101 Table, or for gases, paragraph (c)(1)(ii) of this section.

(2) For transportation by aircraft, the total net quantity of hazardous materials contained in one item of an article, machinery, or apparatus must not exceed the following:

(i) 1 kg (2.2 pounds) in the case of solids;

(ii) 0.5 L (0.1 gallons) in the case of liquids;

(iii) 0.5 kg (1.1 pounds) in the case of Division 2.2 gases. Division 2.2 gases with subsidiary risks and refrigerated liquefied gases are not authorized; and

(iv) A total quantity of not more than the aggregate of that permitted in paragraphs (c)(2)(i) through (iii) of this section, for each category of material in the package, when a package contains hazardous materials in two or more of the categories in paragraphs (c)(2)(i) through (iii) of this section.

* * * * *

■ 20. In § 173.224:

■ a. Revise paragraphs (a), (c)(4) introductory text, and (c)(4)(v)(B)(1).

■ b. Add paragraph (c)(5).

The addition and revisions read as follows:

§ 173.224 Packaging and control and emergency temperatures for self-reactive materials.

(a) *General.* When the § 172.101 table of this subchapter specifies that a Division 4.1 material is packaged in accordance with this section, only packagings which conform to the provisions of this section may be used. Each packaging must conform to the general packaging requirements of subpart B of this part and the applicable requirements of Part 178 of this subchapter. Non-bulk packagings must meet Packing Group II performance levels. To avoid unnecessary confinement of liquids, metallic non-bulk packagings meeting hydrostatic pressure test criteria at the Packing Group I level are not authorized. Self-reactive materials which require temperature control are subject to the provisions of § 173.21(f). Packagings required to bear a Class 1 subsidiary label must conform to §§ 173.60 through 173.62.

* * * * *

(c) * * *

(4) Samples of organic substances carrying functional groups listed in tables A6.1 and/or A6.3 in Appendix 6 (Screening Procedures) of the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter) may be transported under UN3224 or UN3223, as applicable, of Division 4.1 provided that:

* * * * *

(v) * * *

(B) * * *

(1) The individual substance is contained in an inner packaging of glass or plastics of maximum capacity of 30 mL placed in an expandable polyethylene foam matrix of at least 130 mm thickness having a density of 18 ± 1 g/L or 24 ± 2.4 g/L;

* * * * *

(5) Samples of organic substances carrying functional groups listed in tables A6.1 and/or A6.3 in Appendix 6 (Screening Procedures) of the UN Manual of Tests and Criteria may be assigned to one of the appropriate entries for self-reactive substances, type C (UN3223, UN3224, UN3233, UN3234, as applicable) of Division 4.1 and transported under the provisions of paragraph (c)(3) of this section in amounts of not more than 200 g for solids or 200 mL for liquids per outer package provided that:

(i) The sample complies with paragraphs (c)(4)(i)–(iii) of this section;

(ii) The sample decomposition energy is:

(A) Less than 1,500 J/g for salts or complexes of organic compounds; or, where 1,500 J/g or greater, UN C.1 test results do not indicate that the material propagates a rapid deflagration (*i.e.,* not ''yes, rapidly'') and in any one of the UN test series F the result indicates low or no explosive power (*i.e.,* not ''not low''); or

(B) Less than 2,000 J/g for other organic substances; or, where 2,000 J/g or greater for other organic substances, UN C.1 test results do not indicate that the material propagates rapid deflagration (*i.e.,* not ''yes, rapidly'') and in any one of UN test series F the result indicates low or no explosive power (*i.e.,* not ''not low''); and

(iii) The assessment in paragraphs (c)(5)(ii)(A) and (B) may be based on a single C.1 test and a single UN test series F test. If the criteria are achieved, it can be assumed that the sample is not more dangerous than self-reactive substance, type B. An appropriate method to determine temperature control requirements is described in section 20.3.4 of the UN Manual of Tests and Criteria. Samples not achieving the criteria may be transported if approved by the Associate Administrator. Alternatively, the sample may be dissolved or diluted with an inert compound to form a homogenous mixture that has a decomposition energy of less than 1,500 J/g for salts or complexes of organic compounds or less than 2,000 J/g for other organic substances, as applicable.

■ 21. In § 173.225:

■ a. Revise paragraph (a);

■ b. In Table 1 to Paragraph (c): Organic Peroxide Table, remove the entry for ''([3R- (3R, 5aS, 6S, 8aS, 9R, 10R, 12S, 12aR**)]-Decahydro-10-methoxy-3, 6, 9-trimethyl-3, 12-epoxy-12H-pyrano [4, 3-j]-1, 2-benzodioxepin), ≤100.''

■ c. In Table 1 to Paragraph (c): Organic Peroxide Table, add the following entries in alphabetical order by technical name: ''tert-Amyl peroxypivalate,'' ''Arteether (including stereoisomers),'' ''Artemether (including stereoisomers),'' ''Artemisinin,'' ''Artesunate (including stereoisomers),'' and ''Dihydroartemisinin (including stereoisomers).''

■ d. In Table 1 to Paragraph (c): Organic Peroxide Table, add new Note 34 after the table.

■ e. In Table 3 to Paragraph (e): Organic Peroxide IBC Table; add new entry for ''UN3119, tert-Butyl peroxy-2-ethylhexanoate, not more than 52 percent, in diluent type A.''

The revisions read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

(a) *General.* When the § 172.101 table specifies that an organic peroxide must be packaged under this section, the organic peroxide must be packaged and offered for transportation in accordance with the provisions of this section. Each packaging must conform to the general requirements of subpart B of Part 173 and to the applicable requirements of Part 178 of this subchapter. Non-bulk packagings must meet Packing Group II performance levels. To avoid unnecessary confinement of liquids, metallic non-bulk packagings meeting hydrostatic pressure test criteria at the Packing Group I level are not authorized. No used material, other than production residues or regrind from the same production process, may be used in plastic packagings. Organic peroxides that require temperature control are subject to the provisions of § 173.21(f). When an IBC or bulk packaging is authorized and meets the requirements of paragraph (f) or (h) of this section, respectively, lower control temperatures than those specified for non-bulk packaging may be required. An organic peroxide not identified in paragraph (c), (e), or (g) of this section by technical name, or not assigned to a generic type in accordance with the provisions in paragraph (b)(3) of this section, must conform to the provisions of paragraph (c) of § 173.128.

* * * * *

(c) * * *

(8) * * *

TABLE 1 TO PARAGRAPH (c)—ORGANIC PEROXIDE TABLE

Technical name	ID No.	Concentration (mass %)	Diluent (mass %)			Water (mass %)	Packing method	Temperature (°C)		Notes
			A	B	I			Control	Emergency	
(1)	(2)	(3)	(4a)	(4b)	(4c)	(5)	(6)	(7a)	(7b)	(8)
	[REMOVE].									
([3R- (3R, 5aS, 6S, 8aS, 9R, 10R, 12S, 12aR**)]-Decahydro-10-methoxy-3, 6, 9-trimethyl-3, 12-epoxy-12H-pyrano [4, 3-j]-1, 2-benzodioxepin).	UN3106	≤100					OP7			
* * *	*	*			*		*	*		
	[ADD].									
* * *	*	*			*		*	*		
tert-Amyl peroxypivalate	UN3115	≤72	≥28				OP7	10	15	
* * *	*	*			*		*	*		
Arteether (including stereoisomers)	UN3106	≤100					OP7			
Artemether (including stereoisomers)	UN3106	≤100					OP7			
Artemisinin	UN3106	≤100					OP7			
Artesunate (including stereoisomers)	UN3106	≤100					OP7			
* * *	*	*			*		*	*		
Dihydroartemisinin (including stereoisomers)	UN3106	≤100					OP7			
* * *	*	*			*		*	*		
1,2,4,5,7,8-Hexoxonane, 3,6,9-Trimethyl -3,6,9-tris (ethyl and propyl) derivatives.	UN3105	≤41	≥59				OP7			34
* * *	*	*			*		*	*		

Notes:

* * * * * * * * *

34. Available oxygen ≤7.3%.

* * * * *

(e) * * *

TABLE 3 TO PARAGRAPH (e)—ORGANIC PEROXIDE IBC TABLE

UN No.	Organic peroxide	Type of IBC	Maximum quantity (liters)	Control temperature	Emergency temperature
* * * * *		*	*	*	
3119	ORGANIC PEROXIDE, TYPE F, LIQUID, TEMPERATURE CONTROLLED:				
* * * * *		*	*	*	
	tert-Butyl peroxy-2-ethylhexanoate, not more than 52%, in diluent type A.	31HA1	1,000	+30 °C	+35 °C
		31A	1,250	+30 °C	+35 °C
* * * * *		*	*	*	

* * * * *

■ 22. In § 173.230, revise paragraph (f)(4) to read as follows:

§ 173.230 Fuel cell cartridges containing hazardous material.

* * * * *

(f) * * *

(4) When packed with equipment, fuel cell cartridges must be packed in an intermediate packaging along with the equipment they are capable of powering, and the intermediate packagings packed in a strong outer packaging. The number of fuel cell cartridges in the intermediate packaging must not exceed the number required for the equipment's operation, plus two spare sets. A ''set'' of fuel cell cartridges is the number of individual fuel cell

cartridges that are necessary to power each piece of equipment.

* * * * *

■ 23. In § 173.232, add paragraph (f)(3) and revise (h) to read as follows:

§ 173.232 Articles containing hazardous materials, n.o.s.

* * * * *

(f) * * *

(3) Except for transportation by aircraft, large packagings must conform to the Packing Group II performance level. The following large packagings are authorized:

(i) Metal (50A, 50B, 50N);

(ii) Rigid plastic (50H);

(iii) Wooden (50C, 50D, 50F); and

(iv) Rigid fiberboard (50G).

* * * * *

(h) For transport by aircraft, the following additional requirements apply:

(1) Articles transported under UN3548, which do not have an existing proper shipping name, and which contain only environmentally hazardous substances where the quantity of the environmentally hazardous substance in the article exceeds 5 L or 5 kg, must be prepared for transport in accordance with this section for transport by air. In addition to the environmentally hazardous substance, the article may also contain lithium or sodium ion cells or batteries that comply with § 173.185(c)(4).

(2) Articles transported under UN3538, which do not have an existing proper shipping name, and which contain only gases of Division 2.2 without a subsidiary hazard, but excluding refrigerated liquefied gases and gases forbidden for transport on passenger aircraft, where the quantity of the Division 2.2 gas exceeds the quantity limits for UN 3363, as prescribed in § 173.222 must be prepared for transport in accordance with this section. Articles transported under this provision are limited to a maximum net quantity of gas of 75 kg by passenger aircraft and 150 kg by cargo-only aircraft. In addition to the Division 2.2 gas, the article may also contain lithium or sodium ion cells or batteries that comply with § 173.185(c)(4).

■ 24. In § 173.301b, revise paragraphs (a)(2) and (c)(1) to read as follows:

§ 173.301b Additional general requirements for shipment of UN pressure receptacles.

* * * * *

(a) * * *

(2) The gases or gas mixtures must be compatible with the UN pressure receptacle and valve materials as prescribed for metallic materials in ISO 11114–1:2020 and ISO 11114–1:2020/Amd 1:2023(E) (IBR, *see* § 171.7 of this subchapter) and for non-metallic materials in ISO 11114–2:2020(E) (IBR, *see* § 171.7 of this subchapter).

* * * * *

(c) * * *

(1) When the use of a valve is prescribed, the valve must conform to the requirements in ISO 10297:2014(E) and ISO 10297:2014/Amd 1:2017 or clause 5.4.2 of ISO 10297:2024 (IBR, *see* § 171.7 of this subchapter). Quick release cylinder valves for specification and type testing must conform to the requirements in ISO 17871:2020 or, until December 31, 2026, ISO 17871:2015(E) (IBR, *see* § 171.7 of this subchapter). Until December 31, 2026, a quick release valve conforming to the requirements in ISO 17871:2015(E) (IBR, *see* § 171.7 of this subchapter) continues to be authorized for use.

* * * * *

■ 25. In § 173.306, revise paragraphs (e) introductory text, (e)(1) introductory text, and (e)(2).

The revisions read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(e) *Refrigerating or heating machines.*

(1) New (unused) refrigerating or heating machines or components thereof are excepted from the specification packaging requirements of this part if they meet the following conditions. In addition, shipments are not subject to subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

* * * * *

(2) *Used refrigerating or heating machines—*

(i) *Packaging.* Reconditioned (used) refrigerating or heating machines (UN2857, Div. 2.2) may be excepted from the marking requirements of § 172.302(c) of this subchapter and transported by motor vehicle when they conform to the requirements prescribed in § 173.306(e)(1), are secured or permanently attached to the motor vehicle, and are:

(A) Permanently affixed to a steel base structure;

(B) Permanently affixed to a trailer; or

(C) Manufactured with a rigid internal structure designed for transportation and stacking conditions such that they do not leak and do not deteriorate, distort, or become damaged in a manner that could adversely affect their safety or reduce their strength in transportation, cause instability in stacks of machines, or cause damage to these machines in a way that is likely to reduce safety in transportation.

(ii) *Testing.* Used machines returned from their rental locations must be transported back to an authorized original equipment manufacturer service facility and undergo maintenance, repair and/or replacement that renders these machines operational at the same level as that of new machines and must undergo a leak test by a certified technician, prior to re-shipment.

* * * * *

■ 26. In § 173.307, revise paragraph (a)(4) introductory text to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) * * *

(4) Refrigerating or heating machines, including dehumidifiers and air conditioners, and components thereof, such as precharged tubing containing:

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

■ 27. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81 and 1.97.

■ 28. In § 175.10, revise paragraphs (a)(17)(v), (a)(17)(vi), and (a)(18)(iv) as follows:

§ 175.10 Exceptions for passengers, crew members, and air operators.

(a) * * *

(17) * * *

(v) Where a lithium ion battery-powered wheelchair or other mobility aid does not provide adequate protection to the battery:

(A) The battery must be removed from the wheelchair or other mobility aid according to instructions provided by the wheelchair or other mobility aid owner or its manufacturer;

(B) The battery must be carried in the cabin;

(C) Battery terminals must be protected from short circuits by placement in original retail packaging or otherwise insulating the terminal, *e.g.,* by taping over exposed terminals or placing each battery in a separate plastic bag or protective pouch;

(D) The battery must not exceed a Watt-hour (Wh) rating of 300 Wh; and

(E) A maximum of one spare battery not exceeding 300 Wh or two spares not exceeding 160 Wh each may be carried; and

(vi) The pilot-in-command is advised either orally or in writing, prior to

departure, as to the location of the lithium ion battery aboard the aircraft.

* * * * *

(18) * * *

(iv) Articles containing lithium metal or lithium ion cells or batteries with the primary purpose of providing power to another device (*e.g.,* power banks, portable chargers, or power stations), must be carried as spare batteries in accordance with the provisions of this paragraph. In addition, no more than two of these articles may be carried per person, they must not be recharged while onboard the aircraft, and they should not be used to recharge a portable electronic device while onboard the aircraft.

* * * * *

■ 29. In § 175.33, revise paragraph (a)(13) as follows:

§ 175.33 Shipping paper and information to the pilot-in-command.

(a) * * *

(13)(i) For UN3480, Lithium ion batteries, UN3090, Lithium metal batteries, and UN3551, Sodium ion batteries, the information required by paragraph (a) of this section may be replaced by the UN number, proper shipping name, hazard class, total quantity at each specific loading location, the airport at which the package(s) is to be unloaded, and whether the package must be carried on cargo-only aircraft.

(ii) For UN3480, Lithium ion batteries, UN3090, Lithium metal batteries, and UN3551, Sodium ion batteries, carried under a special permit or a State exemption as prescribed in the ICAO Technical Instructions (IBR, *see* § 171.7 of this subchapter), must meet all of the requirements of this section.

(iii) UN3481, UN3091, and UN3552 are not required to appear on the information provided to the pilot-in-command when prepared in accordance with § 173.185(c).

* * * * *

■ 30. In § 175.78, revise paragraphs (c)(4)(iii) and (iv), and add (c)(4)(v) to read as follows

§ 175.78 Stowage compatibility of cargo.

* * * * *

(c) * * *

(4) * * *

(iii) Except for Division 1.4B explosives, Compatibility Group G explosives, and as otherwise provided in this Note, explosives of different compatibility groups may be stowed together whether or not they belong to the same division. Division 1.4B explosives must not be stowed together with any other explosive permitted aboard aircraft except Division 1.4S, unless segregated as prescribed in paragraph (c)(4)(iv) of this section (''Note 1''). Compatibility Group G explosives may not be stowed together with Compatibility Groups C, D, or E explosives, unless they are separated as prescribed in paragraph (c)(4)(v) of this section.

(iv) Division 1.4B and Division 1.3 explosives may not be stowed together. Division 1.4B explosives must be loaded into separate unit load devices and, when stowed aboard the aircraft, the unit load devices must be separated by other cargo with a minimum separation of 2 m (6.5 feet). When not loaded in unit load devices, Division 1.4B and Division 1.3 explosives must be loaded into different, non-adjacent loading positions and separated by other cargo with a minimum separation of 2 m (6.5 feet).

(v) Explosives in Compatibility Group G must not be stowed together with explosives in Compatibility Groups C, D, or E. When loaded into unit load devices, the unit load device containing Compatibility Group G must be separated from unit load devices containing Compatibility Groups C, D, or E by other cargo with a minimum separation of 2 m (6.5 feet). When not loaded in unit load devices, they must be loaded into different, non-adjacent loading positions and separated by other cargo with a minimum separation of 2 m (6.5 feet).

* * * * *

PART 176—CARRIAGE BY VESSEL

■ 31. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 32. In § 176.708, revise paragraph (d) to read as follows:

§ 176.708 Segregation distances.

* * * * *

(d) The separation distances for crew members and passengers may be determined by one of three methods:

(1) By using Table IV to determine the minimum distances between the radioactive material packages and regularly occupied spaces or living quarters; or

(2) For one or more consignments of Class 7 (radioactive) material to be loaded on board a vessel under the exclusive use conditions described in § 176.704(f), by demonstration through direct measurement, made and documented by a suitably qualified person, that for the indicated exposure times the dose rate in regularly occupied spaces or living quarters is less than—

(i) For the crew: 7.0 μSv/h (0.70 mrem/h) up to 700 hours in a year, or 1.8 μSv/h (0.18 mrem/h) up to 2750 hours in a year; and

(ii) For the passengers: 1.8 μSv/h (0.18 mrem/h) up to 550 hours in a year, taking into account any relocation of cargo during the voyage; or

(3) By using Table 7.1.4.5.18 of the IMDG Code (IBR, *see* § 171.7 of this subchapter).

* * * * *

■ 33. Revise § 176.905 to read as follows:

§ 176.905 Stowage of vehicles.

(a) Except for vehicles driven on board under their own power by a passenger, when vehicles are carried on roll-on/roll-off (ro-ro) passenger ships as defined in SOLAS II–2/regulation 3 (IBR, *see* § 171.7 of this subchapter), a vehicle carried as cargo on a vessel powered by an internal combustion engine, a fuel cell, batteries, or a combination thereof is subject to the following requirements:

(1) The offeror must assess the safety condition of each vehicle prior to offering for transport. A vehicle must not be offered for transport if it is forbidden in accordance with § 173.21(e) of this subchapter or if it:

(i) Has or shows signs of damage to electric equipment (including but not limited to frayed or damaged cables);

(ii) Has or shows signs of damage to supplemental restraint systems (*e.g.,* airbags and seatbelt tensioners); or

(iii) Has been impacted by extreme events (*e.g.,* flood, hurricane, tsunami, fire, submersion).

(2) If any of the conditions in paragraph (a)(1) of this section apply, the vehicle must not be offered for transport unless corrective actions have been taken. Such corrective actions must be evaluated regarding their effectiveness in ensuring the condition(s) no longer apply.

(3) Lithium or sodium ion cells or batteries that have been damaged or identified by the manufacturer as being defective for safety reasons provided in § 173.185(f) must be removed.

(b) Vehicles which are not prohibited for transport in accordance with paragraph (a) of this section are not subject to the requirements of this subchapter other than:

(1) UN3556, UN3557, and UN3558 vehicles must be secured in a strong, rigid outer packaging in accordance with § 173.220(d)(4). Vehicles with an individual net mass of 30 kg (66 pounds) or more may be loaded into crates or secured to pallets, or may be

transported unpackaged providing that the vehicle is capable of remaining upright during transport without additional support and the vehicle provides adequate protection to the battery so that no damage to the battery can occur, or may be transported unpackaged in cargo transport units fitted with the means to prevent toppling in transport such as by use of bracing, frames, or racking;

(2) Except for low production run and prototype batteries, each lithium or sodium ion battery must be of a type that has successfully passed each test in the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter), as specified in § 173.185, unless approved by the Associate Administrator; and

(3) Must meet one of the following conditions:

(i) The vehicle is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles, and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel system, or braking system as appropriate. For vehicles with batteries connected and fuel tanks containing gasoline transported by U.S. vessels, *see* 46 CFR 70.10–1 and 90.10–38;

(ii) For vehicles powered by a flammable liquid fuel with a flashpoint of 38 °C (100 °F) or above, there are no leaks in any portion of the fuel system, the fuel tank(s) contains 450 L (119 gallons) of fuel or less, and installed batteries are electrically insulated to protect from short-circuit;

(iii) For vehicles powered by a flammable liquid fuel with a flashpoint less than 38 °C (100 °F), the fuel tank(s) are empty, and installed batteries are electrically insulated to protect from short-circuit. Vehicles are considered to be empty of flammable liquid fuel when the fuel tank has been drained, and the vehicles cannot be operated due to a lack of fuel. Engine components such as fuel lines, fuel filters, and injectors do not need to be cleaned, be drained, or be purged to be considered empty. The fuel tank does not need to be cleaned or be purged;

(iv) For vehicles powered by a flammable gas (liquefied or compressed), the fuel tank(s) are empty and the positive pressure in the tank does not exceed 2 bar (29 psig), the fuel shut off or isolation valve is closed and secured, and installed batteries are electrically insulated to protect from short circuit;

(v) For vehicles solely powered by a wet or dry electric storage battery, or a sodium battery, the battery is electrically insulated to protect from short-circuit;

(vi) For vehicles solely powered by a sodium ion battery, the battery is short-circuited in a way that the battery does not contain electrical energy. The short circuiting shall be easily identifiable (*e.g.,* busbar between terminals); or

(vii) For vehicles powered by both a flammable liquid fuel and a flammable gas, all applicable conditions from paragraphs (b)(3)(ii) through (iv) of this section apply. Paragraphs (b)(3)(ii) through (iv) of this section do not apply to hybrid electric vehicles identified in special provision 388 of § 172.102 of this subchapter. Paragraph (b)(3)(v) of this section does not apply to vehicles powered by lithium batteries.

(c) Vehicles that are not prohibited for transport in accordance with paragraph (a) of this section but do not meet the conditions of paragraph (b) of this section must meet the following conditions in addition to meeting all other applicable requirements of this subchapter:

(1) For flammable liquid-powered vehicles, the fuel tank(s) containing the flammable liquid must not be more than one-fourth full and in any case the flammable liquid must not exceed 250 L (66 gal) unless otherwise approved by the competent authority;

(2) For flammable gas-powered vehicles, the fuel shutoff valve of the fuel tank(s) must be securely closed;

(3) Except for low production run and prototype batteries, each lithium or sodium ion battery must be of a type that has successfully passed each test in the UN Manual of Tests and Criteria (IBR, *see* § 171.7 of this subchapter), as specified in § 173.185, unless approved by the Associate Administrator. Installed batteries must be protected from damage, accidental activation during transport, and electrically insulated to protect from short circuits;

(4) Unpackaged vehicles are excepted from the marking and labeling requirements in subparts D and E of Part 172 of this subchapter;

(5) Except as provided in § 173.220(f) of this subchapter, the provisions of this subchapter do not apply to items of equipment such as fire extinguishers, compressed gas accumulators, airbag inflators and the like which are installed in the vehicle if they are necessary for the operation of the vehicle, or for the safety of its operator or passengers; and

(6) When transported in a cargo transport unit the cargo transport unit must be placarded on each side and each end regardless of whether the vehicle is packaged or unpackaged.

(7) All equipment used for handling vehicles must be designed so that the fuel tank and the fuel system of the vehicle are protected from stress that might cause rupture or other damage incident to handling.

(8) Two hand-held, portable, dry chemical fire extinguishers of at least 4.5 kg (10 pounds) capacity each must be separately located in an accessible location in each hold or compartment in which any vehicle is stowed.

(9) ''NO SMOKING'' signs must be conspicuously posted at each access opening to the hold or compartment.

(10) Each portable electrical light, including a flashlight, used in the stowage area must be an approved, explosion-proof type. All electrical connections for any light must be made to outlets outside the space in which any vehicle is stowed.

(11) Each hold or compartment must be ventilated and fitted with an overhead water sprinkler system or fixed fire extinguisher system.

(12) Each hold or compartment must be equipped with a smoke or fire detection system capable of alerting personnel on the bridge.

(13) All electrical equipment in the hold or compartment other than fixed explosion-proof lighting must be disconnected from its power source at a location outside the hold or compartment during the handling and transportation of any vehicle. Where the disconnecting means is a switch or circuit breaker, it must be locked in the open position until all vehicles have been removed.

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 34. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 35. In § 178.71:

■ a. Revise paragraphs (d)(2), (o)(1), and (t) introductory text.

■ b. Add new paragraph (t)(5).

The additions and revisions read as follows:

§ 178.71 Specifications for UN pressure receptacles.

* * * * *

(d) * * *

(2) Service equipment must be configured, or designed, to prevent damage that could result in the release of the pressure receptacle contents during normal conditions of handling and transport. Manifold piping leading to shutoff valves must be sufficiently flexible to protect the valves and the piping from shearing or releasing the pressure receptacle contents. The filling and discharge valves and any protective

caps must be secured against unintended opening. The valves must conform to ISO 10297:2014(E) and ISO 10297:2014/Amd 1:2017(E) or clause 5.4.2 of ISO 10297:2024(E) (IBR, *see* § 171.7 of this subchapter), or, specifically for ball valves, must conform to ISO 23826:2021 (IBR, *see* § 171.7 of this subchapter) or for non-refillable pressure receptacles valves manufactured until December 31, 2020, ISO 13340:2001(E), and be protected as specified in § 173.301b(f) of this subchapter. Until December 31, 2022, the manufacture of a valve conforming to the requirements of ISO 10297:2014(E) is authorized. Until December 31, 2020, the manufacture of a valve conforming to the requirements in ISO 10297:2006(E) (IBR, *see* § 171.7 of this subchapter) was authorized. Until December 31, 2008, the manufacture of a valve conforming to the requirements in ISO 10297:1999(E) (IBR, *see* § 171.7 of this subchapter) was authorized. In addition, valves must be initially inspected and tested in accordance with ISO 14246:2022(E), (IBR, *see* § 171.7 of this subchapter). Until December 31, 2030, valves may continue to be inspected and tested initially in accordance with ISO 14246:2014(E) and ISO 14246:2014/Amd 1:2017(E). For self-closing valves with inherent protection, the requirements of ISO 17879:2017(E) (IBR, *see* § 171.7 of this subchapter) shall be met until further notice.

* * * * *

(o) * * *

(1) ISO 11114–1:2020(E) and ISO 11114–1:2020/Amd 1:2023(E) (IBR, *see* § 171.7 of this subchapter).

* * * * *

(t) *Marking of UN non-refillable pressure receptacles.* Unless otherwise specified in this paragraph, each UN non-refillable pressure receptacle must be clearly and legibly marked as prescribed in paragraph (q) of this section. In addition, permanent stenciling or etching is authorized. Except when stenciled or etched in accordance paragraph (t)(5), the marks must be on the shoulder, top end or neck of the pressure receptacle or on a permanently affixed component of the pressure receptacle (*e.g.,* a welded collar).

* * * * *

(5) Non-refillable UN cylinders of seamless construction with a diameter of less than or equal to 40 mm may be permanently marked on their side walls provided no harmful stress concentration is created, and the minimum cylindrical shell wall thickness is maintained. Notwithstanding the paragraph (q) minimum size requirements for marks, the minimum size of the marks must be 1.5 mm and the minimum size of the UN packaging symbol must be 3 mm. Further, notwithstanding the paragraph (t)(2) minimum size requirement, the letters in the ''DO NOT REFILL'' mark must be at least 3 mm.

* * * * *

■ 36. In § 178.277, revise paragraph (d)(1) to read as follows:

§ 178.277 Requirements for the design, construction, inspection and testing of portable tanks intended for the transportation of refrigerated liquefied gases.

* * * * *

(d) * * *

(1) Each filling and discharge opening in portable tanks used for the transport of flammable refrigerated liquefied gases must be fitted with at least three mutually independent shutoff devices in series: the first being a stop-valve situated as close as reasonably practicable to the jacket, the second being a stop-valve and the third being a blank flange or equivalent device. Filling and discharge openings also include the openings in the vapor phase of the portable tank that are used for vapor recovery. The shut off device closest to the jacket must be a self-closing device, which is capable of being closed from an accessible position on the portable tank that is remote from the valve within 30 seconds of actuation. This device must actuate at a temperature of not more than 121 °C (250 °F). Portable tanks constructed before January 1, 2029, that do not conform to the requirements regarding the filling and discharge openings in the vapor phase may continue to be used.

* * * * *

■ 37. In § 178.703, revise paragraphs (a)(1)(vii), (a)(2)(iii), and (b)(7)(iv) to read as follows:

§ 178.703 Marking of IBCs.

(a) * * *

(1) * * *

(vii) The superimposed stacking test mass in kilograms (kg). For IBCs not designed for stacking, the figure ''0'' must be shown.

* * * * *

(2) * * *

(iii) For a rigid plastic IBC containing liquids, made from plastic with structural equipment withstanding the superimposed stacking test mass and with a manufacturer's symbol in place of the manufacturer's name and address:

(b) * * *

(7) * * *

(iv) For IBCs designed for stacking, the maximum permitted superimposed stacking mass applicable when the IBC is in transportation must be displayed with the symbol. The mass in kilograms (kg) marked above the symbol must not exceed the load imposed during the design test, as indicated in § 178.815(c)(5) of this part, divided by 1.8. The letters and numbers indicating the mass must be at least 12 mm (0.48 inches).

■ 38. In § 178.815, revise paragraph (c)(5) to read as follows:

§ 178.815 Stacking test.

* * * * *

(c) * * *

(5) *Calculation of superimposed test load.* For all IBCs, the mass placed on the IBC surface to create the superimposed test load must be 1.8 times the combined maximum permissible gross mass of the number of similar IBCs that may be stacked on top of the IBC during transportation.

* * * * *

■ 39. In § 178.910, revise paragraphs (a)(1)(vii), (a)(2)(i), (a)(2)(iv), and (b) to read as follows:

§ 178.910 Marking of Large Packagings.

* * * * *

(a) * * *

(1) * * *

(vii) The superimposed stacking test mass in kilograms (kg). For Large Packagings not designed for stacking the figure ''0'' must be shown.

* * * * *

(2) * * *

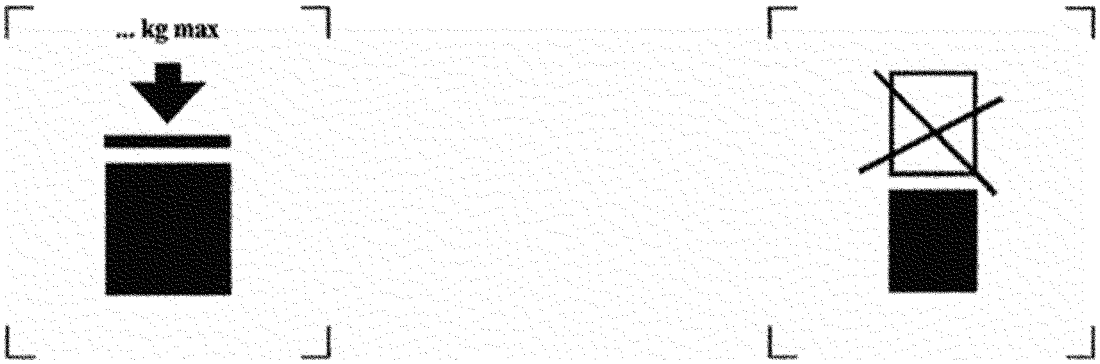
(i) For a steel Large Packaging suitable for stacking; superimposed stacking test mass: 2,500 kg; maximum gross mass: 1,000 kg.

* * * * *

(iv) For a steel Large Salvage Packaging suitable for stacking; superimposed stacking test mass: 2,500 kg; maximum gross mass: 1,000 kg.

(b) All Large Packagings manufactured, repaired or remanufactured after January 1, 2015, must be marked with the symbol applicable to a Large Packaging designed for stacking or not designed for stacking, as appropriate. For Large Packagings designed for stacking, the maximum permitted superimposed stacking mass must be displayed with the symbol. The mass marked above the symbol must not exceed the load imposed during the design test, as indicated in § 178.980(c)(5), of this part, divided by 1.8. The symbol must be a square with each side being not less than 100 mm (3.9 inches) by 100 mm (3.9 inches) as measured from the corner

printer marks shown on the following figures. Where dimensions are not specified, all features must be in approximate proportion to those shown.



(1) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue to be applied to all Large Packagings manufactured, repaired or remanufactured between January 1, 2015, and December 31, 2016.

(2) For domestic transportation, a Large Packaging marked prior to January 1, 2017, and in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue in service until the end of its useful life.

* * * * *

■ 40. In § 178.980, revise paragraph (c)(5) to read as follows:

§ 178.980 Stacking test.

* * * * *

(c) * * *

(5) *Calculation of superimposed test load.* For all Large Packagings, the mass placed on the Large Packaging surface to create the superimposed test load must be 1.8 times the combined maximum permissible gross mass of the number of similar Large Packaging that may be stacked on top of the Large Packaging during transportation.

* * * * *

■ 41. In § 178.1010, revise paragraphs (a)(1)(vii) and (a)(2) to read as follows:

§ 178.1010 Marking of Flexible Bulk Containers.

* * * * *

(a) * * *

(1) * * *

(vii) The superimposed stacking test mass in kilograms (kg).

* * * * *

(2) The following is an example of symbols and required markings for a Flexible Bulk container suitable for stacking; superimposed stacking test mass: 1,000 kg; maximum gross mass: 2,500 kg.

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

■ 42. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 43. In § 180.207, revise paragraphs (d)(1), (d)(2), (d)(4), and (d)(6) to read as follows:

§ 180.207 Requirements for requalification of UN pressure receptacles.

* * * * *

(d) * * *

(1) *Seamless steel.*

(i) Each seamless steel UN pressure receptacle, including pressure receptacles exceeding 150 L capacity installed in MEGCs or in other service, must be requalified in accordance with ISO 18119 (IBR, *see* § 171.7 of this subchapter). However, UN cylinders with a tensile strength greater than or equal to 950 MPa must be requalified by ultrasonic examination in accordance with ISO 18119. For seamless steel cylinders and tubes, the internal inspection and hydraulic pressure test may be replaced by a procedure conforming to ISO 16148:2016(E) (IBR, *see* § 171.7 of this subchapter).

(ii) Each seamless steel UN pressure receptacle that is horizontally mounted on a motor vehicle or in a framework and that: is 12 feet or longer; has an outside diameter greater than or equal to 18 inches; and is supported by a neck mounting surface during transportation must be inspected at the time of requalification in accordance with CGA C–23 (IBR, *see* § 171.7 of this subchapter). Notwithstanding the periodic inspection, if the seamless steel UN pressure receptacle shows visible corrosion, as outlined in Section 4.2 of CGA C–23, around the neck or under the flange/sleeve, then it must be removed and examined in accordance with Section 6 of CGA C–23 prior to returning to service.

(2) *Seamless UN aluminum:* Each seamless aluminum UN pressure receptacle must be requalified in accordance with ISO 18119 (IBR, *see* § 171.7 of this subchapter).

* * * * *

(4) *Composite UN cylinders:* Each composite cylinder must be inspected and tested in accordance with ISO 11623:2023(E) (IBR, *see* § 171.7 of this subchapter). Until December 31, 2028, ISO 11623:2015(E) (IBR, *see* § 171.7 of this subchapter) may be used.

* * * * *

(6) *Valves:* Inspection and maintenance of cylinder valves must be carried out in accordance with ISO 22434:2022, Gas cylinders—Cylinder valves—Manufacturing tests and examinations (IBR, *see* § 171.7 of this subchapter). Until December 31, 2028, ISO 22434:2006 Transportable gas cylinders—Inspection and maintenance of cylinder valves (IBR, *see* § 171.7 of this subchapter) may be used.

* * * * *

Issued in Washington, DC, on October 23, 2026, under authority delegated in 49 CFR 1.97.

Paul J. Roberti,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2026–21922 Filed 10–26–26; 8:45 am]

BILLING CODE 4910–60–P

Reader Aids

Federal Register

Vol. 91, No. 206

Tuesday, October 27, 2026

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations
General Information, indexes and other finding aids **202–741–6000**
Laws **741–6000**

Presidential Documents
Executive orders and proclamations **741–6000**
The United States Government Manual **741–6000**

Other Services
Electronic and on-line services (voice) **741–6020**
Privacy Act Compilation **741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, OCTOBER

62297–62634 1
62635–63132 2
63133–63474 5
63475–64104 6
64105–64252 7
64253–64600 8
64601–64750 9
64751–65076 13
65077–65436 14
65437–65678 15
65679–65886 16
65887–66282 19
66283–66528 20
66529–66630 21
66631–66782 22
66783–67194 23
67195–67434 26
67435–67764 27

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
11071 64251
11072 65073
11073 65075
Executive Orders:
14120 (revoked by EO 14437) 66779
14432 63121
14433 63125
14434 63129
14435 64747
14436 66627
14437 66779
Administrative Orders:
Memorandums:
Memorandum of October 7, 2026 65435
Memorandum of November 13, 2023 (revoked by EO 14437) 66779
Notices:
Notice of September 30, 2026 63131
Notice of October 15, 2026 66277
Notice of October 15, 2026 66279
Notice of October 15, 2026 66281
Presidential Determinations:
2026–24 of September 25, 2026 63119
2026–25 of September 30, 2026 63473

5 CFR

Ch. XIV 65450
300 65887
315 65887
316 65887
351 ..... 65904, 65924
352 65887
410 65887
430 65904
451 65904
534 65904
537 65904
630 ..... 65437, 65904, 65924
715 65924
894 65904
1330 65904
1653 66631
2421 65441
2422 65441
2426 65441
2429 65441
2641 65449

7 CFR

319 64253
989 64601
4280 62600
Proposed Rules:
271 66958
274 66958
278 66958
981 64306

8 CFR

207 65077
274a 65306
281 65390
1003 65390
1280 65390
Proposed Rules:
214 ..... 64566, 65119

9 CFR

Proposed Rules:
94 66291

10 CFR

15 65941
20 63133
30 63133
40 63133
50 67195
52 65091
53 67195
70 63133
150 62635
170 65941
171 65941
431 64105
Proposed Rules:
20 63168
30 63168
40 63168
52 65133
70 63168
74 66794

12 CFR

3 67000
6 67000
8 67000
15 67000
19 67000
225 ..... 62636, 62870
238 ..... 62636, 62870
252 ..... 62636, 62870
Proposed Rules:
215 64121
337 64629
702 66532
703 66532
704 65475
713 65475
721 65479
725 65481
741 ..... 66532, 66534
745 66537

14 CFR

39 .....62297, 62299, 62301, 62304, 62307, 64256, 64259, 64606, 64751, 64753, 65100, 65941, 65944, 65950, 65952, 65954, 65959, 65962, 66631, 66783, 66785, 67435, 67439, 67442, 67445, 67448, 67452, 67455, 67457
71 .....63475, 64755, 64756, 65104, 65679, 65680, 66283, 66635, 66636, 66637, 67200
73.....65107, 65681
97 .....62309, 62311, 65452, 65454
234.....65456

Proposed Rules:

23.....63170
25.....67530
39 .....62344, 63172, 63175, 64121, 64309, 64315, 64318, 64809, 65138, 65140, 65142, 65144, 65489, 65492, 66012, 66016, 66019, 67532
71 .....62680, 63178, 63509
401.....63180, 63185
404.....63180
413.....63180
414.....63180
450 .....63185, 63190, 63199, 63204

15 CFR

15.....65964, 67201

Proposed Rules:

60.....63207
70.....63207

16 CFR

1461.....65967

Proposed Rules:

1.....66539
461.....62347
1112.....63208
1265.....63208

17 CFR

1.....65969
200.....62654
232.....63476

Proposed Rules:

Ch. II.....66795
1.....64811, 66022
38.....64811
39.....64811
239 .....63388, 63676, 66293
249 .....63388, 63676, 66293
270 .....63388, 63870, 65622, 66293
274 .....63388, 63676, 63870, 65622, 66293
275.....63676, 63870
279.....63870

18 CFR

Proposed Rules:

2.....66492
153.....66492
375.....66492
410.....63511

19 CFR

145.....66638

Proposed Rules:

113.....64532
123.....64840
128.....64532
141.....64532
143.....64532
145.....64532

21 CFR

130.....65040
131.....65040
133.....65040
136.....65040
137.....65040
139.....65040
145.....65040
150.....65040
155.....65040
156.....65040
158.....65040
161.....65040
163.....65040
166.....65040
168.....65040
169.....65040
573.....65109
862.....63478
866 .....63487, 64609, 64611
870.....63491, 64615
878.....63493
1308.....64617, 64618

Proposed Rules:

1.....64629
109.....66796
117.....66798
1308.....65370, 65381
1312.....62357

22 CFR

126.....62313

Proposed Rules:

120.....62361
121.....62361
123.....62361

24 CFR

75.....63146

25 CFR

140.....66286
141.....66286
211.....66286
213.....66286
225.....66286
226.....66286
227.....66286
243.....66286
249.....66286
273.....66286
700.....66286

26 CFR

1.....62655, 65683
54.....63748
301.....65980

Proposed Rules:

1 .....62818, 64631, 65494, 66540

28 CFR

25.....67460
106.....67476

Proposed Rules:

16 .....64125, 65510, 65512

29 CFR

1203.....67480
1208.....67480
1209.....67480
2590.....63748
4044.....65110

Proposed Rules:

775.....64129
776.....64129
779.....64129
782.....64129
783.....64129
784.....64129
789.....64129
793.....64129
794.....64129

30 CFR

560.....65982
935.....67202
950.....67211

Proposed Rules:

57.....65697
75.....65697

31 CFR

1.....63495
356.....65456
560.....64758
591.....64758

Proposed Rules:

36.....66799
850.....67396
851.....67396
1010 .....63208, 63513, 63514
1020.....63514
1022.....63514

33 CFR

100 .....62314, 62672, 62673, 63147, 64267, 65685, 65687, 65984
165 .....62314, 63497, 64114, 64116, 64759, 64760, 65460, 65689, 66529, 66530, 66640, 66641

Proposed Rules:

117.....64129, 66660
165 .....62368, 63515, 65698, 66033, 67535

34 CFR

222.....64268

36 CFR

13.....65690, 65985
218.....64760
223.....64118
242.....67482

Proposed Rules:

7.....62682
13.....66034

39 CFR

20.....66000
111.....66002
775.....66791

Proposed Rules:

3050.....64871, 65147

40 CFR

52 .....62316, 62320, 64274, 64282, 64286, 64289, 64295, 64297, 64623, 66003
97.....62322
98.....65112
118.....64774
147.....64780
180.....62673
257.....66643
282.....66652
721.....65461

Proposed Rules:

52 .....62371, 62380, 64321, 66040, 66043, 66048
60.....66058
61.....66058
62.....64133
63.....66058
80.....65699
81.....63516
147.....66662
751.....65148
1090.....65699

42 CFR

136.....64301
136a.....64302
412.....62323, 62327
414.....62327
513.....62936

Proposed Rules:

422.....66408
423.....66408
493.....64480

43 CFR

51.....67482

45 CFR

147.....63748

Proposed Rules:

155.....67656
1336.....65154
1355.....63226
1357.....63226

46 CFR

10.....65694

Proposed Rules:

11.....62383
12.....62383
551.....65515

47 CFR

27.....66010
51.....62334
63.....62334
64.....63149, 67214
73.....63499
79.....67220
Ch. IV.....63500

Proposed Rules:

1.....66062, 67225
4.....64872, 66069
5.....67225
64.....67239
73.....66069
100.....67225

48 CFR

Proposed Rules:

541.....63243
552.....63243

49 CFR

1002.....64787

Proposed Rules:

40.....62409
171.....67720
172.....67720
173.....67720

175.....67720
176.....67720
178.....67720
180.....67720
390.....63156
571.....67243
572.....66827

50 CFR

18.....66204
622.....63160, 63502
635 .....64302, 65472, 66288
648.....63166, 64790
660 .....62677, 64791, 66655
665.....62340
679 .....62341, 62343, 63166, 64305, 64628, 64806, 64807, 65474, 65694, 65696, 66531, 66792, 67224, 67528

Proposed Rules:

10.....62411
17.....63250
21.....62411
622.....65711
648.....64873
679.....66541

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws/current.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text is available at *https://www.govinfo.gov/app/collection/plaw*. Some laws may not yet be available.

H.R. 952/P.L. 119–135
Reversionary Interest Conveyance Act (Oct. 22, 2026; 140 Stat. 1098)

H.R. 7022/P.L. 119–136
Mystic Alerts Act (Oct. 22, 2026; 140 Stat. 1100)
Last List October 22, 2026

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://portalguard.gsa.gov/__layouts/pg/register.aspx*.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.