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Contents

Federal Register

Vol. 91, No. 213

Thursday, November 5, 2026

Agriculture Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 69789
Agency Information Collection Activities; Proposals, Submissions, and Approvals; Correction, 69789–69790

Antitrust Division
NOTICES
Proposed Settlement Agreement, Stipulation, Order, and Judgment, etc.:
United States, et al. v. OhioHealth Corp., Amended Response to Public Comments, 69865–69884

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Internet Panel Pretesting and Qualitative Survey Methods Testing, 69791–69792
Manufacturers' Shipments, Inventories, and Orders (M3) Survey, 69790–69791

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 69848–69849

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Information Comparison with Insurance Data, 69851–69852
Sexual Risk Avoidance Education National Evaluation Impact Study of Co-Regulation Facilitation Strategies in Sexual Risk Avoidance Education Programs, 69850
Unaccompanied Alien Children Sponsor Application Packet, 69851

Civil Rights Cold Case Records Review Board
NOTICES
Formal Determination on Records Release, 69790

Coast Guard
PROPOSED RULES
Safety Zone:
FRL Inaugural Invitational eFoil Exhibition Race, Miami Marine Stadium Basin, Miami, FL; Correction, 69736

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 69825–69826

Copyright Office, Library of Congress
NOTICES
Music Streaming Fraud, 69887–69888

Drug Enforcement Administration
NOTICES
Importer, Manufacturer or Bulk Manufacturer of Controlled Substances; Application, Registration, etc.:
Diamond Animal Health, Inc., 69885
Importer of Controlled Substances Application: Noramco, 69884–69885
Navinta LLC, 69885

Education Department
PROPOSED RULES
Proposed Priorities and Definitions:
Secretary's Supplemental Priorities and Definitions, 69736–69753
NOTICES
Accrediting Agencies Currently Undergoing Review for the Purpose of Recognition by the U.S. Secretary of Education, 69826–69827
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Higher Education Act Title II Report Cards on State Teacher Credentialing and Preparation, 69827–69828

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arizona; Maricopa County Air Quality Department; New Source Review; Emission Reduction Credits, 69694–69701
Significant New Uses:
Certain Chemical Substances (25-3.5e), 69704–69720
State Plans for Designated Facilities and Pollutants; Approvals and Promulgations:
West Virginia; Control of Emissions from Existing Municipal Solid Waste Landfills, 69701–69704
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; San Joaquin Valley; 2015 8-Hour Ozone Nonattainment Area Requirements; and California Consumer Products Regulations, 69910–69944
District of Columbia; Enhanced Vehicle Emission Inspection and Maintenance Program Revision and Basic I/M Program Certification for Moderate Nonattainment Areas under the 2015 Ozone NAAQS, 69753–69761
Approval and Promulgation of Delegation of Authority for Designated Facilities and Pollutants:
Allegheny County; Federal Plan for Existing Municipal Solid Waste Landfills, 69763–69766
State Plans for Designated Facilities and Pollutants; Approvals and Promulgations:
Arizona; Control of Emissions from Existing Municipal Solid Waste Landfills, 69761–69763

NOTICES
Determination to Approve Authorized Program Revisions:
Cross-Media Electronic Reporting, 69842–69843
Hearings, Meetings, Proceedings, etc.:
Clean Air Scientific Advisory Committee on Lead, 69843–69844
Proposed Consent Decree, 69844–69845

Export-Import Bank
NOTICES
Hearings, Meetings, Proceedings, etc.:
Advisory Committee, 69845

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Redmond, OR, 69685–69686
PROPOSED RULES
Airworthiness Directives:
Airbus SAS Airplanes, 69732–69735
Costruzioni Aeronautiche Tecnam S.P.A. Airplanes, 69730–69732

Federal Communications Commission
RULES
Modernizing Spectrum Sharing for Satellite Broadband, 69725–69726
Video Relay Service Improvements; Incarcerated People's Communication Services:
Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services; Access to Video Conferencing, 69726–69729
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 69845–69847

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 69839–69841
Combined Filings, 69828–69831, 69836–69837
Environmental Assessments; Availability, etc.:
Erie Boulevard Hydropower, L.P., 69834
Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, FLNG Liquefaction 3, LLC; Hourly Production Increase Project, 69835–69836
Filing:
Oncor Electric Delivery Co. LLC, 69834–69835
Licenses; Exemptions, Applications, Amendments, etc.:
Pacific Gas and Electric Co., 69831–69832
Privacy Act; Systems of Records, 69832–69834
Scoping Period on Environmental Issues:
Natural Gas Pipeline Co. of America, LLC, Proposed Amarillo Expansion Project, 69837–69839

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 69906–69908

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 69847

Federal Trade Commission
PROPOSED RULES
Petition for Rulemaking of New Hope Now, 69735–69736

Food and Drug Administration
RULES
Medical Devices:
Hematology and Pathology Devices; Classification of the Digital Cervical Cytology Slide Imaging System with Artificial Intelligence Algorithm, 69687–69690
Neurological Devices; Classification of the Prognostic Assessment Software of Mild Cognitive Impairment, 69690–69692
Orthopedic Devices; Classification of the Wearable Vibration Device for Orthopedic Use, 69692–69694

Foreign-Trade Zones Board
NOTICES
Authorization of Production Activity:
Hypertherm Inc., Foreign-Trade Zone 81, Hanover and Lebanon, NH, 69792–69793
Production Activity Not Authorized:
Turbocam Inc., Foreign-Trade Zone 21, Ladson, SC, 69793
Proposed Production Activity:
Fermi Inc., Foreign-Trade Zone 252, Panhandle, TX; Correction, 69792
Heidtman Tubular Products, LLC, Foreign-Trade Zone 70, Erie, MI, 69792
Kerrville Public Utility Board Public Facility Corp., Foreign-Trade Zone 155, Garwood, TX; Correction, 69793
Super Micro Computer, Inc., Foreign-Trade Zone 18, San Jose, Fremont, and Milpitas, CA; Withdrawal, 69792

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Cyber Incident Reporting Requirements, 69858–69859
Family Report, MTW Family Report, MTW Expansion Family Report, 69856–69857
Home Mortgage Disclosure Act Loan/Application Register, 69859
Public Housing Agency Board Resolution Approving the Operating Budget, 69860
Requests for Nominations:
Tribal Intergovernmental Advisory Committee, 69857–69858

Indian Affairs Bureau
NOTICES
Liquor Control Ordinance:
Scotts Valley Band of Pomo Indians of California; Correction, 69860–69863

Industry and Security Bureau
NOTICES
Denial of Export Privileges:
Rossiya Airlines, 69793–69796

Interior Department
See Indian Affairs Bureau

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews, 69796–69808
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Aluminum Foil from the Sultanate of Oman, 69818–69820
Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea, 69811–69813
Certain Metal Lockers and Parts Thereof from People's Republic of China, 69817–69818
Certain Oil Country Tubular Goods from Mexico, 69808–69809
Circular Welded Non-Alloy Steel Pipe from the Republic of Korea, 69809–69811
Common Alloy Aluminum Sheet from the People's Republic of China, 69813–69815
Wood Mouldings and Millwork Products from the People's Republic of China, 69815–69817
Sales at Less Than Fair Value; Determinations, Investigations, etc.:
Certain Choline Salts from the People's Republic of China, 69813

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules from India, Indonesia, and Laos, 69865
Metal Lockers from China; Scheduling of Expedited Five-Year Reviews, 69864
Seamless Refined Copper Pipe and Tube from Vietnam, 69863–69864

Justice Department
See Antitrust Division
See Drug Enforcement Administration

Legal Services Corporation
RULES
Cost Standards and Procedures; Purchasing and Property Management, 69720–69725
PROPOSED RULES
Purchasing and Property Management, 69766–69768
NOTICES
Application Process for Subgranting Special Grant Funds, 69887
Pro Bono Innovation Fund Process for Applying For 2027 Grants, 69885–69887

Library of Congress
See Copyright Office, Library of Congress

Maritime Administration
PROPOSED RULES
Deepwater Port Application Processing and Licensing, 69768–69788

National Institutes of Health
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
National Toxicology Program Advisory Committee, 69852–69854
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 69854–69856
National Institute of Dental and Craniofacial Research, 69855

National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Cook Inlet EEZ Commercial Salmon Fishery, 69823–69825
Southeast Fishing and Boating Survey, 69821–69822
Hearings, Meetings, Proceedings, etc.:
Caribbean Fishery Management Council's Scientific and Statistical Committee, 69821
New England Fishery Management Council, 69820, 69822–69823
Pacific Fishery Management Council, 69820–69821

National Science Foundation
NOTICES
Privacy Act; Systems of Records, 69888–69894

Nuclear Regulatory Commission
NOTICES
Performance Review Board Members, 69895
Permits; Applications, Issuances, etc.:
Last Energy, Inc., Phased Construction, Limited Work Authorization, 69895–69896

Postal Regulatory Commission
NOTICES
New Postal Products, 69896–69897

Postal Service
NOTICES
International Product Change:
Priority Mail Express International, Priority Mail International and First-Class Package International Service Agreement, 69897

Presidential Documents
ADMINISTRATIVE ORDERS
China, Continuation of National Emergency With Respect to Threat From Securities Investments That Finance Certain Companies (Notice of November 3, 2026), 69953–69954
Iran; Continuation of National Emergency (Notice of November 3, 2026), 69945–69947
Nicaragua; Continuation of National Emergency (Notice of November 3, 2026), 69951
Weapons of Mass Destruction; Continuation of National Emergency With Respect to Proliferation (Notice of November 3, 2026), 69949

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 69906
Exemption Application:
UBS Asset Management Credit Income Opportunities Fund and UBS Asset Management (Americas) LLC, 69900
Self-Regulatory Organizations; Proposed Rule Changes:
Financial Industry Regulatory Authority, Inc., 69897–69900
Nasdaq PHLX LLC, 69900–69903
NYSE Texas, Inc., 69903–69906

Transportation Department
See Federal Aviation Administration

See Federal Highway Administration
See Maritime Administration

Separate Parts In This Issue

Part II
Environmental Protection Agency, 69910–69944

Part III
Presidential Documents, 69945–69947, 69949, 69951, 69953–69954

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.

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Administrative Orders:

Notices:

Notice of November 3, 2026 69947

Notice of November 3, 2026 69949

Notice of November 3, 2026 69951

Notice of November 3, 2026 69953

14 CFR

71.....69685

Proposed Rules:

39 (2 documents) 69730, 69732

16 CFR

Proposed Rules:

1.....69735

21 CFR

864.....69687

882.....69690

888.....69692

33 CFR

Proposed Rules:

165.....69736

34 CFR

Proposed Rules:

75.....69736

40 CFR

52.....69694

62.....69701

721.....69704

Proposed Rules:

52 (2 documents) 69753, 69910

62 (2 documents) 69761, 69763

45 CFR

1630.....69720

1631.....69720

Proposed Rules:

1631.....69766

46 CFR

Proposed Rules:

248.....69768

47 CFR

25.....69725

64.....69726

Rules and Regulations

Federal Register
Vol. 91, No. 213
Thursday, November 5, 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 71

[Docket No. FAA–2025–5141; Airspace Docket No. 25–ANM–147]

RIN 2120–AA66

Modification of Class D and Class E Airspace Areas; Roberts Field/ Redmond Municipal Airport, Redmond, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D and Class E airspace areas designated as a surface area, the Class E airspace area designated as an extension to a Class D or Class E surface area, and the Class E airspace area extending upward from 700 feet above the surface at Roberts Field/Redmond Municipal Airport, Redmond, OR. This action supports the safety and management of visual flight rules (VFR) and instrument flight rules (IFR) operations at the airport.

DATES: Effective date 0901 UTC, February 18, 2027, the Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11M, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Airspace Regulation Group, Operational Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Bryantjay T. Toves, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3465.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class D and Class E airspace to support VFR/IFR operations at Roberts Field/ Redmond Municipal Airport, Redmond, OR.

History

The FAA published an NPRM for Docket No. FAA 2025–5141 in the **Federal Register** (91 FR 58392; September 15, 2026), proposing to modify the Class D and Class E airspace areas at Roberts Field/Redmond Municipal Airport, Redmond, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received. The commenter supported the goals of this action. However, the commenter asked FAA to consider impacts to VFR operations and noted some specific operations that could be affected. The commenter also suggested that FAA publish updated aeronautical charts and conduct educational outreach with the aviation community. The commenter recommended aligning the airspace change with aeronautical publication cycles.

The FAA did consider the impact on VFR transitions during the design phase of this action. However, due to the proximity of Bend Municipal Airport and Roberts Field/Redmond Municipal Airport and FAA policies that require the airspace to be designed to contain the instrument flight procedures, it was not feasible to include a VFR transition route. The FAA created a shared boundary between Bend Municipal Airport and Redmond Municipal Airport, which also provides the benefits of a clearer airspace delineation and reducing potential inadvertent airspace intrusions.

Additionally, the airport and ATC facility managers have made significant strides to educate the aviation community, using methods such as including flight schools, newsletters, pamphlets, and community forums. Moreover, the FAA ensures that all public dockets are available for the public through the internet at *www.regulations.gov* and in person at the Docket Operations (see **ADDRESSES** section for address, phone number, and hours of operations).

Finally, the FAA makes every effort to ensure that the effective date aligns with the standard aviation charting cycle. The date effective of the final rule is listed in the **DATES** section of this document.

Incorporation by Reference

Class D, E2, E4, and E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11M, dated July 30, 2026, and effective September 15, 2026. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11M, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by modifying the Class D surface area airspace, the Class E airspace area designated as surface area, the Class E

airspace area designated as an extension to a Class D or Class E surface area, and the Class E airspace area extending upward from 700 feet above the surface of the earth at Roberts Field/Redmond Municipal Airport, Redmond, OR.

The radii of the Class D surface area and Class E airspace area designated as surface area are expanded to a 5.6-mile radius to more appropriately contain Category E aircraft conducting circling maneuvers and departing IFR operations utilizing the Obstacle Departure Procedures for Runway (RWY) 11 and RWY 29 until reaching the base of adjacent controlled airspace.

A common airspace boundary between Bend Municipal Airport and Roberts Field/Redmond Municipal Airport is established to reduce the chance of inadvertent airspace incursions between the surface areas. An extension is established south of the Roberts Field/Redmond Municipal Airport to adjoin the two airspaces.

In addition, the Class E airspace area designated as an extension to a Class D or Class E surface area is modified to align with the circumference of the Class D and Class E surface areas as proposed in the NPRM. The extension is also widened to better contain the Area Navigation (RNAV) (Global Positioning System [GPS]) Z RWY 29 and RNAV (Required Navigation Performance [RNP]) M RWY 29 procedures when arriving IFR aircraft are less than 1,000 feet above the surface.

Finally, the current Class E airspace area extending upward from at least 700 feet above the surface is larger than necessary and is reduced to the north, east, and southwest to more appropriately contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' paragraph B–2.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM OR D Redmond, OR [Amended]

Roberts Field/Redmond Municipal Airport, OR

(Lat. 44°15′15″ N, long. 121°09′00″ W)

That airspace extending upward from the surface to and including 5,600 feet MSL within a 5.6-mile radius of the airport and that airspace 3.9 miles east and 3.2 miles west of the airport's 194° bearing extending to 5.6 miles south. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM OR E2 Redmond, OR [Amended]

Roberts Field/Redmond Municipal Airport, OR

(Lat. 44°15′15″ N, long. 121°09′00″ W)

That airspace extending upward from the surface to and including 5,600 feet MSL within a 5.6-mile radius of the airport and that airspace 3.9 miles east and 3.2 miles west of the airport's 194° bearing extending to 5.6 miles south. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to Class D or Class E Surface Area.

* * * * *

ANM OR E4 Redmond, OR [Amended]

Roberts Field/Redmond Municipal Airport, OR

(Lat. 44°15′15″ N, long. 121°09′00″ W)

That airspace extending upward from the surface within 1.2 miles northeast and 1.9 miles southwest of the airport's 121° bearing extending from its 5.6-mile radius to 8.6 miles southeast of the airport.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Redmond, OR [Amended]

Roberts Field/Redmond Municipal Airport, OR

(Lat. 44°15′15″ N, long. 121°09′00″ W)

That airspace extending upward from 700 feet above the surface within an area 5.8 miles east and 5.4 miles west of the airport's 017° bearing extending to 5.6 miles north, within 0.4 miles north and 6.4 miles south of the airport's 107° bearing extending to 13.2 miles east, and within 0.4 miles north and 6.4 miles south of the airport's 287° bearing extending to 7.6 miles west.

* * * * *

Issued in Des Moines, Washington, on November 3, 2026.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2026–22642 Filed 11–4–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. FDA–2026–N–12384]

Medical Devices; Hematology and Pathology Devices; Classification of the Digital Cervical Cytology Slide Imaging System With Artificial Intelligence Algorithm

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the digital cervical cytology slide imaging system with artificial intelligence algorithm into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the digital cervical cytology slide imaging system with artificial intelligence algorithm. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective November 5, 2026. The classification was applicable on January 31, 2024.

FOR FURTHER INFORMATION CONTACT: Arpita Roy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3302, Silver Spring, MD 20993–0002, 240–402–4807, *Arpita.Roy@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the digital cervical cytology slide imaging system with artificial intelligence algorithm into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On August 27, 2021, FDA received Hologic Inc.'s request for De Novo classification of the Genius Digital Diagnostics System with the Genius Cervical AI algorithm. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on January 31, 2024, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 864.3900.[1] We have named the

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44

Continued

generic type of device ''digital cervical cytology slide imaging system with artificial intelligence algorithm,'' and it is identified as a prescription in vitro diagnostic device consisting of an automated digital slide creation, viewing, and management system intended to aid in the review of digital images of slides prepared from Pap test specimens and conventional Pap smears by selecting and presenting areas of interest to facilitate interpretation by the reader. The artificial intelligence (AI) software algorithm uses machine learning techniques to provide information to the user about the presence, location, or characteristics of areas of the image with clinical implications. Information from this device is intended to assist the user in rendering a cytology diagnosis.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR DIGITAL CERVICAL CYTOLOGY SLIDE IMAGING SYSTEMS WITH ARTIFICIAL INTELLIGENCE ALGORITHM

Identified risks to health	Mitigation measures
False negative and false positive results due to device errors in presenting abnormal cells in the digital image gallery.	Certain design verification and validation, including certain studies and risk mitigation analysis. Certain labeling information, including limitations, device descriptions, methodology and protocols, and performance information.
False negative and false positive results due to incorrect interpretation of digital images or incorrect operation of the device by the user.	Certain design verification and validation, including certain studies and risk mitigation analysis. Certain labeling information, including limitations, user training, device descriptions, methodology and protocols, and performance information.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

At the time of classification, digital cervical cytology slide imaging systems with AI algorithm are for prescription use only. Therefore, these devices are subject to the prescription labeling requirements for in vitro diagnostic products (see 21 CFR 809.10(a)(4) and (b)(5)(ii)).

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time, FDA has not made this determination for digital cervical cytology slide imaging systems with AI algorithm. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 864

Blood, Medical devices, Packaging and containers.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 864 is amended as follows:

PART 864—HEMATOLOGY AND PATHOLOGY DEVICES

■ 1. The authority citation for part 864 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 864.3900 to subpart D to read as follows:

§ 864.3900 Digital cervical cytology slide imaging system with artificial intelligence algorithm.

(a) *Identification.* The digital cervical cytology slide imaging system with artificial intelligence (AI) algorithm is a prescription in vitro diagnostic device consisting of an automated digital slide creation, viewing, and management system intended to aid in the review of digital images of slides prepared from Pap test specimens and conventional Pap smears by selecting and presenting areas of interest to facilitate interpretation by the reader. The AI software algorithm uses machine learning techniques to provide information to the user about the presence, location, or characteristics of areas of the image with clinical implications. Information from this device is intended to assist the user in rendering a cytology diagnosis.

(b) *Classification.* Class II (special controls). The special controls for this device are:

U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(1) The labeling required under § 809.10(b) of this chapter must include the following:

(i) The intended use must include the specimen type (*e.g.,* Pap test or conventional Pap smear), information on the device input (*e.g.,* Pap test glass slides) and output(s) (*e.g.,* whole slide image (WSI) of cytology glass slides or cell spot), information on the AI algorithm output(s) (*i.e.,* format of the information provided by the device to the user, such as objects of interest (OOI) found on the WSI, which is presented in a gallery for the user to review), and intended users;

(ii) A detailed description of the intended patient population;

(iii) Detailed instructions for use, including the intended image review and interpreting protocol for use of the device, and how to resolve device-related issues (*e.g.,* cybersecurity or device malfunction issues);

(iv) A detailed description of the device, including the following:

(A) Necessary input/output devices (*e.g.,* scanner, imager, management server, review station, viewing software, software algorithm);

(B) Necessary infrastructure, platform, and/or software application services, and configuration(s) (*e.g.,* storage, network architecture, cloud services);

(C) Compatible scanning hardware and scanning protocols;

(D) Interaction with input/output devices, and necessary third-party software;

(E) Recommended training for intended users for safe use of the device;

(v) A detailed summary of the performance testing required by paragraphs (b)(2)(i), (b)(2)(ii), (b)(2)(iv), and (b)(2)(v)(A) of this section, including test methods, dataset characteristics, results, and a summary of sub-analyses on case distributions stratified by relevant confounders, *i.e.,* three-dimensional (3D) characteristics of cells and cell clusters in cytology samples, patient demographics, medical history, user experience, sites, and scanning equipment as applicable;

(vi) Intended user screening time data to provide information about daily slide screening workload limits, as determined by the performance testing in paragraph (b)(2)(v)(B); and

(vii) Limiting statements, including the following:

(A) A description of situations in which the device may fail or may not operate at its expected performance level (*e.g.,* poor image quality or for certain subpopulations), including any limitations due to the dataset used to train, test, and tune the algorithm during device development;

(B) That review of the entire gallery (*i.e.,* OOIs with clinical implications) should be performed by the user prior to rendering a diagnosis;

(C) That users should use the device in conjunction with the standard of care, an assessment of patient history and other risk factors, and professional screening and management guidelines to guide patient care; and

(D) That users should employ appropriate procedures and safeguards (*e.g.,* daily quality control measures, deferral to glass slide review, cybersecurity), including when the device is used for remote review of images, to assure the validity of the interpretation of images obtained using this device.

(2) Design verification and validation must include:

(i) A detailed description and the technical performance assessment of each component in the device, including the following, as appropriate:

(A) Slide feeder;

(B) Light source;

(C) Imaging optics;

(D) Z-focal plane acquisition, including a detailed description of methods used to ensure that the complete depth of the cellular material is captured (*e.g.,* Z-plane merging, Z-stacking), when applicable;

(E) Mechanical scanner movement;

(F) Digital imaging sensor;

(G) Image processing software;

(H) Image composition techniques;

(I) Image file formats;

(J) Image review manipulation software;

(K) Computer environment; and

(L) Display system.

(ii) Detailed technical performance assessment at the system level, including for the following, as appropriate:

(A) Coverage of Z-depth to represent the 3D aspects of cells and cell clusters in cytology samples;

(B) Color reproducibility;

(C) Spatial resolution;

(D) Focusing accuracy;

(E) Whole slide cell spot or specimen material coverage;

(F) Stitching error; and

(G) Turnaround time.

(iii) A detailed description of the device software, including its algorithm and its development, that includes a description of any datasets used to train, tune, or test the software algorithm. This detailed description of the device software must include:

(A) The study protocols (*e.g.,* OOI reproducibility study, imaging reproducibility study, cell count validation study) and results used to assess the device output(s) (*e.g.,* image overlays, image heatmaps, image location, total number of cells);

(B) The training dataset, including cases representing different pre-analytical variables representative of the conditions likely to be encountered when used as intended (*e.g.,* fixation type and time, cytology slide processors, challenging diagnostic cases, multiple sites, patient demographics);

(C) An appropriate number of digital cytology images in an independent validation dataset to demonstrate device accuracy in detecting OOI on scanned cytology images, which must include subsets clinically relevant to the intended use of the device; and

(D) A system level architecture diagram with a matrix to depict the communication endpoints, communication protocols, and security protections for the device and its supportive systems, including any products or services that are included in the communication pathway.

(iv) Detailed documentation of studies demonstrating acceptable, as determined by FDA, analytical device performance using samples that are representative of the entire spectrum of challenging cases likely to be encountered when the device is used as intended. For each analytical study, relevant details must be documented (*e.g.,* the origin of the study slides and images, reader/annotator qualifications, method of annotation, location of the study site(s), challenging diagnoses). The analytical studies must include:

(A) Testing to assess device outputs (*e.g.,* OOI reproducibility study, cell count validation study); and

(B) Precision and reproducibility study(ies) that demonstrate device performance when used with multiple input devices (*e.g.,* digital cytology scanners) to assess total variability across images, operators, within-scanners, between-scanners and between-sites, using a comprehensive set of representative clinical specimens with defined, clinically relevant features and challenging characteristics likely to be encountered when the device is used as intended. Precision and reproducibility must be assessed by agreement between replicates.

(v) Data demonstrating acceptable, as determined by FDA, clinical validation by conducting studies with clinical specimens to demonstrate that screening and diagnosing digital images of cervical cytology slides with the assistance of the device's software algorithms is non-inferior to using a comparator method that FDA has determined to be appropriate (*e.g.,* optical microscope). For each clinical study, relevant details must be

documented (*e.g.,* the origin of the study slides and images, reader/annotator qualifications, method of annotation, location of the study site(s) (on-site/remote), challenging diagnoses). The studies must include:

(A) A study demonstrating the performance by the intended users with and without the AI algorithm (*i.e.,* unassisted (manual microscope read) and device-assisted reading of scanned digital images of cervical cytology slides). The study dataset must contain sufficient numbers of cytological slides for each diagnostic category and processed by representative processing instruments such that the performance estimates and confidence intervals for these individual subsets can be appropriately characterized. The performance assessment must be based on appropriate diagnostic accuracy measures (*e.g.,* sensitivity, specificity, predictive value, diagnostic likelihood ratio); and

(B) Intended user screening time data obtained from the clinical study, to characterize and set recommended daily maximum workload screening limits for intended users. The study dataset must contain sufficient cases from relevant cohorts that are representative of the scope of patients likely to be encountered given the intended use of the device (*e.g.,* subsets defined by clinically relevant confounders, challenging diagnoses, subsets with potential biopsy appearance modifiers, concomitant diseases, subsets defined by image scanning characteristics). The reader population must be comprised of the intended user population in terms of clinical training, certification, and years of experience.

(vi) Human factors study data to evaluate the usability and user experience of the device with representative users.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–22593 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 882

[Docket No. FDA–2026–N–12212]

Medical Devices; Neurological Devices; Classification of the Prognostic Assessment Software of Mild Cognitive Impairment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the prognostic assessment software of mild cognitive impairment into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the prognostic assessment software of mild cognitive impairment. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective November 5, 2026. The classification was applicable on January 11, 2024.

FOR FURTHER INFORMATION CONTACT: Patrick Antkowiak, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4254, Silver Spring, MD 20993–0002, 240–402–3705, *Patrick.Antkowiak@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the prognostic assessment software of mild cognitive impairment into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically

placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On September 29, 2022, FDA received Darmiyan, Inc.'s request for De Novo classification of the BrainSee device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on January 11, 2024, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 882.1454.[1] We have named the generic type of device ''prognostic assessment software of mild cognitive impairment,'' and it is identified as a prescription-only device that combines information from multiple clinical data sources to produce an output indicative of the likelihood that a patient diagnosed with mild cognitive impairment will progress to more severe forms of cognitive impairment, or will develop dementia, such as Alzheimer's disease dementia, within a specified period of time. This device is intended for adjunctive use and not intended as a stand-alone diagnostic or prognostic tool.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR PROGNOSTIC ASSESSMENT SOFTWARE OF MILD COGNITIVE IMPAIRMENT

Identified risks to health	Mitigation measures
Device failure or incorrect analysis leading to • False positives or falsely high prognostic outputs resulting in inappropriate patient treatment and delayed diagnosis of non-Alzheimer's disease conditions. • False negatives or falsely low prognostic outputs resulting in delayed diagnosis and/or patient treatment.	Clinical performance testing; Postmarket surveillance; Software verification, validation, and hazard analysis; and Labeling.
Use error or misinterpretation of results leading to • A false positive or falsely high prognostic outputs. • A false negative or falsely low prognostic outputs. • Overreliance on device output for follow-up.	Human factors/usability assessment; and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

At the time of classification, prognostic assessment software of mild cognitive impairment is for prescription use only. Prescription devices are exempt from the requirement for adequate directions for use for the layperson under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) and 21 CFR 801.5, as long as the conditions of 21 CFR 801.109 are met.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for prognostic assessment software of mild cognitive impairment. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 882

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 882 is amended as follows:

PART 882—NEUROLOGICAL DEVICES

■ 1. The authority citation for part 882 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 2. Add § 882.1454 to subpart B to read as follows:

§ 882.1454 Prognostic assessment software of mild cognitive impairment.

(a) *Identification.* Prognostic assessment software of mild cognitive impairment is a prescription-only device that combines information from multiple clinical data sources to produce an output indicative of the likelihood that a patient diagnosed with mild cognitive impairment will progress to more severe forms of cognitive impairment, or will develop dementia, such as Alzheimer's disease dementia, within a specified period of time. This device is intended for adjunctive use and not intended as a stand-alone diagnostic or prognostic tool.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Data obtained from premarket clinical performance validation testing and postmarket surveillance acquired under anticipated conditions of use must demonstrate that the device performs as intended when used to analyze data from the intended patient population, unless FDA determines, based on the totality of the information provided for premarket review, that data from postmarket surveillance is not required.

(i) Data provided from paragraph (b)(1) of this section must demonstrate the accuracy, precision, and reproducibility of the device for predicting progression of patients with mild cognitive impairment to more severe forms of cognitive impairment or to dementia, such as Alzheimer's disease dementia, based on a clinically relevant reference standard for the diagnosis of such disease states or conditions. The test data set must include data acquired from a patient population that is representative of the intended patient population normally seen in clinical practice. The test data set must be independent from data used in training/development of the device.

(ii) Objective performance measures (*e.g.,* sensitivity, specificity, positive predictive value, negative predictive value) must be reported with relevant descriptive or developmental performance measures.

(2) Software verification, validation, and hazard analysis must be provided. Software documentation must include a detailed, technical description of the model/algorithm(s) and algorithm inputs and outputs.

(3) Human factors/usability assessment must demonstrate that the intended user(s) in the intended use environment can correctly use the device and interpret the device output(s).

(4) Physician labeling must include:

(i) A detailed summary of the clinical performance testing methods, including results of the performance testing for tested performance measures/metrics, selection criteria, and the patient demographics;

(ii) A description of the patient population that was used in development or training of the device algorithm/model;

(iii) Device limitations or subpopulations for which the device may not perform as expected or for whom the device has not been validated;

(iv) A statement that the device is not a stand-alone diagnostic or prognostic tool and that the device output should only be interpreted in the context of all available clinical information, including patient history, medications, and comorbidities; and

(v) Information for interpretation of the device outputs detailing the risks associated with misinterpretation of the device outputs.

(5) Patient labeling must include information explaining the device output(s) and the associated risks if the device output is incorrect.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–22590 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 888

[Docket No. FDA–2026–N–12211]

Medical Devices; Orthopedic Devices; Classification of the Wearable Vibration Device for Orthopedic Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the wearable vibration device for orthopedic use into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the wearable vibration device for orthopedic use. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of the safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective November 5, 2026. The classification was applicable on January 12, 2024.

FOR FURTHER INFORMATION CONTACT: Jesse Muir, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4462, Silver Spring, MD 20993–0002, 240–402–6679, *Jesse.Muir@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the wearable vibration device for orthopedic use into class II (special controls), which we have determined will provide a reasonable assurance of the safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or

reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On February 17, 2023, FDA received Bone Health Technologies, Inc.'s request for De Novo classification of the Osteoboost Belt. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on January 12, 2024, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 888.5895.[1] We have named the generic type of device ''wearable vibration device for orthopedic use,'' and it is identified as a wearable device that uses mechanical vibrations, targeted to specific regions of the skeleton, to reduce loss of bone strength or bone mineral density.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR WEARABLE VIBRATION DEVICES FOR ORTHOPEDIC USE

Identified risks to health	Mitigation measures
Accelerated loss of bone strength and bone mineral density resulting from application of inappropriate magnitude and/or frequency of vibration.	Clinical performance testing; Non-clinical performance testing; Software verification, validation, and hazard analysis; Electromagnetic compatibility testing; and Labeling.
Adverse tissue reaction	Biocompatibility evaluation.
Patient injury due to electrical, mechanical, or thermal hazards	Electrical safety testing; Electromagnetic compatibility testing; Mechanical and thermal safety testing; Software verification, validation, and hazard analysis; and Labeling.
Adverse effects on the patient, including regional pain, dizziness, blurred vision, muscle weakness, difficulty with balance, headache, and nausea.	Clinical performance testing; and Labeling.
User error leading to ineffective reduction in loss of bone strength or bone mineral density.	Clinical performance testing; Human factors/usability evaluation; and Labeling.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for wearable vibration devices for orthopedic use. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

We have determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 888

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 888 is amended as follows:

PART 888—ORTHOPEDIC DEVICES

■ 1. The authority citation for part 888 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 888.5895 to subpart E to read as follows:

§ 888.5895 Wearable vibration device for orthopedic use.

(a) *Identification.* A wearable vibration device for orthopedic use is a wearable device that uses mechanical vibrations, targeted to specific regions of the skeleton, to reduce loss of bone strength or bone mineral density.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. Testing must evaluate the reduction in loss of bone strength or bone mineral density. Testing must evaluate patient risks, including regional pain, dizziness, blurred vision, muscle weakness, difficulty with balance, headache, and nausea. The testing must include a minimum of 1 year of follow-up.

(2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following must be provided:

(i) Characterization of the designed outputs of the device;

(ii) Demonstration of the reliability and reproducibility of device output; and

(iii) Validation that vibration characteristics received by the patient are within safe physiologic limits.

(3) The patient-contacting components of the device must be demonstrated to be biocompatible.

(4) Performance data must be provided to demonstrate the electrical safety, mechanical safety, thermal safety, battery safety, and electromagnetic compatibility of the device.

(5) Software verification, validation, and hazard analysis must be performed.

(6) Human factors or usability evaluation must demonstrate that the user can correctly use the device, based solely on reading the directions for use.

(7) Labeling must include the following:

(i) A summary of the clinical performance testing with the device, including clinical outcomes and observed adverse events;

(ii) Information regarding limitations of the clinical significance of the clinical performance testing;

(iii) Instructions on duration and frequency of use, and when to discontinue use of the device; and

(iv) Instructions for device maintenance, including appropriate cleaning of any reusable components and safe disposal of the device.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–22589 Filed 11–4–26; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2026–1684; FRL–13268–02–R9]

Air Plan Revisions; Arizona; Maricopa County Air Quality Department; New Source Review; Emission Reduction Credits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking final action to approve a revision to the Maricopa County Air Quality Department (MCAQD or ''Department'') portion of the Arizona State Implementation Plan (SIP). This revision establishes a federally enforceable program allowing for the generation of emission reduction credits (ERCs) by retrofitting or replacing existing on-road vehicles with lower emitting vehicles while meeting other Clean Air Act (CAA or ''Act'') requirements. These ERCs are intended to be used as offsets for major stationary sources under the Department's Nonattainment New Source Review (NNSR) program. The EPA is approving this SIP revision because we find that it meets the applicable CAA requirements.

DATES: This rule is effective December 7, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2026–1684. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Elijah Gordon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3158; email address: *gordon.elijah@epa.gov.*

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

ADEQ—Arizona Department of Environmental Quality
CAA—Clean Air Act
CBI—Confidential Business Information
CFR—Code of Federal Regulations
CNG—compressed natural gas
EIP—economic incentive program
EPA—Environmental Protection Agency
ERC—emission reduction credit
FR—Federal Register
IBR—incorporation by reference
MAG—Maricopa Association of Governments
MCAQD—Maricopa County Air Quality Department
MERC—mobile source emission reduction credit
MOVES—MOtor Vehicle Emission Simulator
NAA—nonattainment area
NAAQS—national ambient air quality standards
NERC—nonroad engine emission reduction credit
NNSR—Nonattainment New Source Review
NO_X—oxides of nitrogen
NSR—New Source Review
PM_{10}—particulate matter 10 micrometers or smaller in diameter
SIP—State Implementation Plan
TPY—tons per year
TSD—technical support document
VOC—volatile organic compounds
U.S.C.—United States Code

Table of Contents

I. Executive Summary
A. What action is the EPA taking?
B. What is the legal authority and what are the requirements?
II. Background
III. Public Comments and EPA Responses
IV. EPA Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Executive Summary

A. What action is the EPA taking?

The EPA is fully approving the Arizona Department of Environmental Quality's (ADEQ's) May 30, 2025, SIP revision for MCAQD Rule 205, ''Emission Offsets Generated by Voluntary Mobile Source Emission Reductions,'' revised on May 21, 2025 (''Rule 205'' or ''MCAQD Rule 205 submittal''). Specifically, the EPA is approving the MCAQD Rule 205 submittal by adding Rule 205 into the federally enforceable portion of the Maricopa County portion of the Arizona SIP.[1] Rule 205 allows for the generation of ERCs through voluntary on-road mobile source emissions reductions. ERCs generated by this rule are intended to be used to offset emissions increases of oxides of nitrogen (NO_X) and volatile organic compounds (VOC) at major stationary sources as part of the preconstruction permit process required by the CAA's NNSR program.

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

We are taking this action under CAA section 110. Pursuant to CAA section 110(a), States are required to submit SIPs to the EPA that provide for the implementation, maintenance, and enforcement of the national ambient air quality standards (NAAQS). CAA section 110(k) requires SIPs to meet certain procedural requirements and requires the EPA to approve or disapprove SIP submissions. CAA section 110(l) requires States to provide public notice and an opportunity for public hearing of SIP revisions prior to their submittal and prohibits the EPA from approving any SIP revisions that would interfere with attainment or maintenance of a NAAQS, reasonable further progress, or other CAA applicable requirements. If a SIP submittal meets all the applicable CAA requirements, then the EPA must approve the submittal under CAA section 110(k)(3).

In evaluating the MCAQD Rule 205 submittal, the EPA considered whether ERCs generated under the rule would meet the statutory and regulatory requirements for offsetting emissions reductions in CAA section 173 and 40 CFR 51.165, respectively. Emissions reductions may generally be credited for NNSR offset purposes under the CAA if they achieve actual emission reductions in the relevant nonattainment area that (1) are not otherwise required by the CAA or relied upon in any air quality-related programs under the CAA; (2) can be reliably quantified using methods that can be replicated; (3) will continue for the duration of the SIP or other program that relies upon the emission reductions; and (4) are enforceable by the EPA under the CAA.

II. Background

The MCAQD is the local air pollution control agency for Maricopa County, Arizona and is responsible for regulating stationary sources of air pollution within its boundaries. Portions of Maricopa County designated nonattainment for the 2008 and 2015 ozone NAAQS are classified as ''Moderate'' and portions of Maricopa County designated nonattainment for the 1987 particulate matter 10 micrometers or smaller in diameter (PM_{10}) NAAQS are classified as ''Serious.'' [2] In these nonattainment areas, the MCAQD is required to implement an NNSR permit program for preconstruction review of new or modified major stationary sources.[3] One of the requirements of the NNSR program is to provide surplus emissions reductions to offset a proposed project's projected emissions increases.[4]

The MCAQD has stated that the quantity of surplus emissions reductions currently available for use as NNSR offsets do not appear sufficient to support current and projected economic growth. To incentivize the generation of additional offsets, the MCAQD developed Rule 205 to create a regulatory structure for the generation and use of NO_X and VOC ERCs from a nontraditional category. Rule 205 can be used to generate NO_X and VOC ERCs from on-road mobile sources, or mobile source ERCs (MERCs). The rule allows

[1] MCAQD developed an economic incentive program (EIP) support document that is included in Appendix 18 of the MCAQD Rule 205 submittal. The EPA's approval of Rule 205 is based, in part, on the Department's representations in this document of the actions it intends to take to implement Rule 205 and ensure MERCs are consistent with applicable CAA requirements. Therefore, the MCAQD's EIP support document is also being added to the non-regulatory portion of the Arizona SIP.

[2] 40 CFR 81.303.

[3] The major source threshold for both VOC and NO_X, which are precursors of ozone, is 100 tons per year (tpy) for the portions of Maricopa County designated as Moderate nonattainment for the 2008 and 2015 ozone NAAQS. The major source threshold for Serious PM_{10} nonattainment areas is 70 tpy for PM_{10} and precursors to PM_{10}. *See* 40 CFR 51.165(a)(1)(iv). Modifications to existing major sources trigger NNSR review at different thresholds specified in 40 CFR 51.165(a)(1)(x).

[4] 40 CFR 51.165(a)(9)(ii). The required offset ratio for Moderate ozone nonattainment areas is at least 1.15 to 1. The offset ratio for Serious PM_{10} nonattainment areas is at least 1 to 1.

on-road mobile source fleet owners/operators that permanently reduce NO_X or VOC emissions from their fleets, or credit ''generators,'' to trade those reductions with stationary sources, or ''credit users,'' who can then use them to offset their proposed NO_X or VOC emissions increases for the purpose of meeting NNSR permit requirements.

On April 16, 2026, the EPA proposed approving the MCAQD Rule 205 submittal because we determined that this SIP revision complied with all relevant CAA requirements.[5] Table 1 lists the materials we are incorporating into the Arizona SIP. The proposed action and technical support document (TSD) contain more information on the submittal and our evaluation.

TABLE 1—MATERIALS FOR INCLUSION INTO THE ARIZONA SIP

Local agency	Title	Revised	Submitted
MCAQD	Rule 205—Emission Offsets Generated by Voluntary Mobile Source Emission Reductions.	05/21/25	05/30/25
MCAQD	Revision to Arizona's State Implementation Plan (SIP) Addition of Rule 205 to the Maricopa County Air Pollution Control Regulations (MCAPCR), Appendix 18—Economic Incentive Program Support Document.	05/21/25	05/30/25

III. Public Comments and EPA Responses

The EPA provided a 30-day public comment period on our proposed action. The comment period opened on April 16, 2026, the date of publication in the **Federal Register**, and closed on May 18, 2026.[6] During this period, the EPA received comments from five separate commenters. All comments submitted during the public comment period can be found in the docket of this rulemaking.[7]

Four commenters were supportive of the EPA's proposed action.[8] In addition to support for the proposed action, two of these commenters included additional recommendations for the EPA to consider. One commenter recommended that the EPA: (1) clarify that ''future MCAQD revisions incorporating technology-neutral language for software/operational reductions'' would be approvable if the offset integrity criteria are satisfied and (2) commit to updating EPA's Economic Incentive Program (EIP) guidance to clarify that ''software-driven mobile source reductions can qualify for MERCs/NNSR offsets when properly documented and enforced.'' Another commenter encouraged the EPA to continue to take actions that will encourage the generation of ERCs, improve the efficiency of the ERC certification process, and focus on practical actions that could meaningfully improve public health and reduce air pollution. These recommendations from commenters are outside the scope of our final action on the Department's submittal.

One commenter opposed the EPA's proposed action and requested that the EPA disapprove Rule 205. Below, we summarize the commenter's concerns and provide a response to each.

Comment 1: The commenter asserted that the CAA ''does not authorize stationary sources to trade credits with mobile sources because such reductions are not 'permanent, quantifiable, and enforceable' as [CAA section] 173(c)(1) requires.'' Additionally, the commenter stated Congress separated the authority to regulate stationary sources and mobile sources with no references to linking together with respect to generating offsets.

Response 1: The EPA disagrees with the commenter's claim that mobile source emissions reductions cannot be used as offsets for stationary sources under CAA section 173(c)(1). CAA section 173(a) conditions the issuance of an NNSR permit on a determination by the permitting agency that, among other things, sufficient offsetting emissions reductions will be obtained before the new or modified source commences operation so as to represent ''reasonable further progress'' toward attainment of the NAAQS.[9] The required offsetting emissions reductions must be in effect and enforceable by the time the new or modified source commences operations and must assure that the total tonnage of increased emissions of the relevant air pollutant from the source is offset by an equal or greater reduction, as applicable, in the actual emissions of that air pollutant in the area.[10] Under CAA section 173(c)(1), ERCs must be obtained from the same source or other sources in the same nonattainment area, except that the reductions may be obtained from another nonattainment area if two conditions are met: (1) the other area has an equal or higher nonattainment classification than the area where the source is located, and (2) emissions from such other area contribute to a violation of the NAAQS in the nonattainment area where the source is located.[11] These restrictions are designed to ensure that offsets result in the improvement of air quality in the nonattainment area, such that construction (or modification) of the source is consistent with reasonable further progress toward attainment.[12]

Consistent with these statutory requirements, the EPA's NNSR implementing regulations require that all emissions reductions claimed as offset credit be ''federally enforceable'' and that offsetting emissions reductions be obtained from the same source or other sources in the same nonattainment area, except that the reductions may be obtained from another nonattainment area if the two conditions specified in CAA section 173(c)(1) are met.[13] Additionally, the EPA's NNSR regulations provide that emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be credited for offsets only if, among other things, the reductions are surplus, permanent, quantifiable, and federally

[5] 91 FR 20394 (Apr. 16, 2026).

[6] 91 FR 20394 (Apr. 16, 2026).

[7] *See* Docket No. EPA–R09–OAR–2026–1684 for all comments submitted during the public comment period.

[8] One of the supportive commenters also sent an email, with an attachment, during the comment period that was supportive of the proposed action. The email and attachment are included in the docket for this action.

[9] CAA section 173(a)(1).

[10] CAA section 173(c)(1).

[11] *Id.*

[12] *See* CAA sections 173(a)(1)(A) and 173(c); *see also NRDC* v. *EPA,* 571 F.3d 1245,1267 (D.C. Cir. 2009) (noting ''CAA section 173's mandate that total reductions 'represent . . . reasonable further progress' '').

[13] 40 CFR 51.165(a)(3)(ii)(E) (requiring that all emission reductions claimed as offset credit be federally enforceable) and (F) (requiring States to follow procedures relating to the permissible location of offsetting emissions at least as stringent as those set out in 40 CFR part 51, Appendix S, section IV.D).

enforceable.[14] The EPA has referred to these four creditability criteria in longstanding guidance as ''integrity elements''—*i.e.,* elements of a program that ensure it has integrity and meets applicable statutory requirements.[15] The EPA sometimes refers to these integrity elements, along with the requirement in CAA section 173(c)(1) that offsets be based on the reduction of ''actual'' emissions of the relevant pollutant, as the offset ''integrity criteria.'' [16]

To the extent the commenter intended to assert that stationary sources are regulated under title I of the CAA while mobile sources are regulated under title II of the CAA, this is generally correct. But nothing in CAA section 173 or any other provision of the CAA prohibits the use of emissions reductions from mobile sources within the relevant nonattainment area for NNSR offset purposes, provided the applicable statutory and regulatory requirements are met. The commenter fails to identify any such prohibition in the text of the CAA or the EPA's implementing regulations. The commenter also fails to support its claim that mobile source emissions reductions would not meet the permanent, quantifiable, and federally enforceable offset integrity criteria.[17] The EPA's proposed rule and TSD explained in detail how Rule 205 meets the applicable CAA requirements and addresses the EPA's longstanding integrity criteria for offsetting emissions reductions. In the next few paragraphs, we briefly summarize our prior analysis of the permanent, quantifiable, and federally enforceable criteria.

To ensure emissions reductions from mobile sources meet the permanent criterion, generators of MERCs must demonstrate that replaced vehicles no longer operate in the nonattainment area (NAA) and/or that emissions do not shift to higher emitting vehicles within the fleet. Generators of MERCs do so through enforceable requirements, including robust monitoring, recordkeeping, and reporting requirements. Rule 205 contains several enforceable conditions to ensure that emissions reductions are permanent, including: limiting the applicability of the rule to ''captive fleet'' [18] vehicles; requiring the original baseline vehicle to be permanently removed from the Maricopa NAA or rendered permanently disabled and disposed of; [19] requiring any future replacement of the new or retrofitted fleet vehicle to be with a vehicle that is certified to the same or lower emission standard; [20] and related monitoring, recordkeeping, and reporting requirements.[21] [22]

To ensure emissions reductions from mobile sources meet the quantifiable criterion, generators of MERCs calculate emissions reductions using specific methodologies that are clear and replicable. Appendix A of Rule 205 articulates the calculation formula that MERC generators will use to determine the number of eligible MERCs.[23] Rule 205 requires MERC generators to submit information, within their MERC application, on the methodology for quantifying emissions reductions, including emissions calculations and documentation of each original vehicle's historic vehicle miles traveled.[24] [25] Rule 205 also requires MERC generators to demonstrate that the captive fleet of vehicles used to generate MERCs are based and operated within the NAA.[26] Finally, Rule 205 requires the MCAQD to evaluate whether the proposed qualifying emission reductions within the application for MERCs will result in quantifiable emission reductions.[27] [28]

To meet the requirement in 40 CFR 51.165(a)(3)(ii)(E) that offsetting emissions reductions be federally enforceable, emissions reductions must be enforceable by the EPA and must be legally and practicably enforceable. The term ''federally enforceable'' is defined in the EPA's regulations at 40 CFR 51.165(a)(1)(xiv) to mean ''all limitations and conditions which are enforceable by the Administrator,'' including those requirements developed pursuant to 40 CFR parts 60 and 61, requirements within any applicable SIP, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51, subpart I. Additionally, reductions are legally and practicably enforceable if the reductions can be independently verified; violations of the program that generated the credits are defined and those liable for the violations can be identified; access to the emissions-related information underlying the credits is available; and the public can file civil lawsuits to enforce violations.[29] The EPA's approval of Rule 205 into the SIP ensures that MERCs issued under the rule are federally enforceable. In addition, after determining that the requested reductions meet the certification criteria, the permits that MCAQD issues pursuant to its SIP-approved NNSR program incorporate requirements that make the reductions in qualifying emissions federally enforceable.[30] [31]

Based on our evaluation, we find that Rule 205 ensures that offsetting emissions reductions will be permanent, quantifiable, and federally enforceable consistent with the requirements of CAA section 173 and 40 CFR 51.165.

Comment 2: The commenter stated that Rule 205 measures emissions reductions solely at the tailpipe, relies on the EPA's MOtor Vehicle Emission Simulator (MOVES) based emission factors, and excludes ''upstream NO_X and VOC emissions associated with electricity generation and transmission needed to power replacement battery electric vehicles.'' Therefore, the commenter believes these actions can, in effect, overstate actual emissions reductions. Because CAA section 173(c)(1) requires emissions increases to be offset by the ''actual emissions'' of such air pollutant within the nonattainment area, the commenter requested the EPA account for upstream

[14] 40 CFR 51.165(a)(3)(ii)(C); 40 CFR part 51, Appendix S, paragraph IV.C.3.

[15] *See* Improving Air Quality with Economic Incentive Programs, EPA–452/R–01–001 (EPA Office of Air and Radiation, 2001) (''EIP Guidance''), available at *https://www.epa.gov/sites/production/files/2015-07/documents/eipfin.pdf*), chapter 4 (describing ''fundamental principles'' of all emission reduction banking and trading programs). The EIP Guidance supersedes the EPA's 1986 *emission trading policy statement* at 51 FR 43813 (Dec. 4, 1986).

[16] *See, e.g.,* 91 FR 20394, 20396 (Apr. 16, 2026).

[17] The commenter did not raise the surplus criterion in the offset integrity criteria in this comment.

[18] Rule 205, section 203 defines captive fleet as, ''[A] fleet of vehicles where all the vehicles in the fleet are identifiable, the locations where they are being operated can be tracked and recorded using a fleet management system, such as a global positioning system (GPS), their base of operation is in a nonattainment area, and which can serve as a permanent source of emission reductions when a vehicle is replaced or retrofitted. The captive fleet can only include on-road vehicles.''

[19] Rule 205, section 302.2c.

[20] Rule 205, section 302.2d.

[21] *See,* for example: Rule 205, sections 302.2, 401.2, 401.3, 501, 503, 504, and 505.

[22] For a fuller discussion on each of these requirements and how they fulfill the permanent criterion, please see pages 16 through 22 of the TSD for this action.

[23] Additionally, section 302.1d of Rule 205 allows MERC generators to use an alternative method to quantify emissions reductions, which must go through the public participation process and receive approval from the Department and the EPA Administrator prior to use.

[24] Rule 205, section 301.1a.(4).

[25] *See* Rule 205, section 209. The original vehicle's historic vehicle miles traveled is based on original vehicle's *actual* vehicle miles traveled within the NAA.

[26] Rule 205, section 302.1a.

[27] Rule 205, section 301.2.

[28] For a fuller discussion on each of these requirements and how they fulfill the quantifiable criterion, please see pages 14 through 16 of the TSD for this action.

[29] *See* EIP Guidance, pages 35 through 36.

[30] Rule 205, sections 301.2 and 301.3b.

[31] For a fuller discussion on each of these requirements and how they fulfill the federally enforceable criterion, please see pages 22 through 23 of the TSD for this action.

''lifecycle'' emissions increases associated with charging electric vehicles by ''requiring MCAQD to include, at minimum, a qualitative disclosure in each MERC application identifying the electricity source and associated upstream NO_X and VOC emissions.''

Response 2: The EPA disagrees with the claim that to approve Rule 205 the EPA must account for upstream ''lifecycle'' emissions potentially associated with charging electric vehicles by requiring the MCAQD to include a qualitative disclosure in each MERC application identifying the electricity source and upstream NO_X and VOC emissions. As an initial matter, we note that Rule 205 is designed to be broadly applicable, and MERCs can be generated using any fuel type (*e.g.,* replacing a diesel engine with a lower-emitting diesel engine). That is, Rule 205 is fuel neutral and not every MERC application will be for electric vehicles, as suggested by the comment.

The commenter's concern that the use of MOVES can overstate the actual emissions reductions eligible for offsets when a vehicle is replaced with an electric vehicle raises a hypothetical, fact-specific issue that is best evaluated in the context of an individual MERC application. The commenter specifically cited to the requirement in CAA section 173(c)(1) that requires emissions increases to ''be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.'' As we explained in our proposal, this means the emissions reductions must be ''real'' and not a theoretical reduction in the source's potential to emit; in other words, it requires that each offset represents emissions that have been taken out of the air.[32] The requirements of Rule 205 ensure that this requirement will be met. For example, before granting MERCs, Rule 205 requires the MCAQD to evaluate whether the emissions reductions will be real and include an opportunity for public comment on the Department's evaluation.[33] The rule also defines ''real'' as ''[a] reduction in actual emissions previously released into the air resulting from a physical change or change to the method of operation by a generator.'' [34] Thus, no revisions to Rule 205 are needed to ensure CAA section 173(c)(1) will be met. While the MERC calculation methodology in Appendix A of Rule 205 is meant to be applicable to most situations, if the MCAQD determines that not all of the emissions reductions for a specific project would be real, then the MERC generator could potentially obtain approval from the MCAQD and the EPA for an alternative MERC calculation method.[35] Regardless of the calculation method used, the Department must determine that the requested MERCs will result in real, quantifiable, federally enforceable, permanent, and surplus emissions reductions prior to the MERC generator requesting a permit or permit revision to impose conditions to make the emissions reductions permanent and enforceable.[36]

Comment 3: The commenter stated that Appendix A of Rule 205, which contains the equation used to quantify the number of MERCs, and the MCAQD's EIP support document effectively only addresses electric vehicles. The MOVES model does not ''separately represent hybrid, plug-in hybrid, CNG [compressed natural gas], LNG [liquefied natural gas], or other alternative-fuel vehicles as distinct source types'' and, as a result, non-electric vehicle projects may rely on default MOVES assumptions that do not reflect actual emissions and undermine the ''quantifiability and integrity of generated MERCs.''

Response 3: The EPA disagrees with the commenter's claim that the quantification method in Rule 205 can only be used to generate MERCs through replacing vehicles with electric vehicles. In 2025, MCAQD revised the quantification method in Rule 205 to ensure the rule is fuel neutral. Owners/operators of vehicle fleets can opt to choose any available vehicle type as a replacement as long as it would emit less NO_X and VOC, including diesel, compressed natural gas, gasoline/diesel hybrids, plug-in hybrids, and electric vehicles.

The emission rates within MOVES differ by the vehicle type and by the fuel type used, as well as other aspects of vehicles and their activity.[37] [38] Rule 205 identifies fuel type as one of the data points required to run MOVES.[39] Therefore, the necessary inputs to quantify MERCs are well defined in Rule 205, ensuring emissions from all fuel types are quantifiable under Rule 205.[40] [41]

Comment 4: The commenter stated that the surplus requirement mandates that credited reductions must not otherwise be required by the CAA and, therefore, MERCs must account for tightening Federal vehicle standards. The commenter stated that as EPA emissions standards progressively reduce NO_X and non-methane organic gas emissions, ''the emissions factors embedded in MOVES will increasingly reflect reductions mandated by [F]ederal law,'' which would not qualify as voluntary or surplus reductions. Essentially, ''[r]ule 205 addresses surplus only at the point of application and fails to ensure that credits remain 'surplus' as [F]ederal vehicle standards tighten.''

Response 4: We disagree with the commenter's claim that Rule 205 fails to ensure that MERCs remain surplus as Federal vehicle standards tighten. While not specifically stated in the comment, we assume the commenter is referring to the concept of ''fleet turnover,'' where the totality of the vehicles in an area will emit less air pollutants over time because of the natural cycle of vehicle owners replacing their vehicles with newer models, which are typically subject to more stringent vehicle emissions standards. Because CAA section 173(c)(2) expressly states that ''[e]mission reductions otherwise required by [the CAA] shall not be creditable as emissions reductions for purposes of any such offset requirement,'' emissions reductions used to demonstrate attainment of the NAAQS or to meet transportation conformity requirements would not be creditable for NNSR offset purposes under CAA section 173.

To ensure MERCs are surplus and meet the requirements of CAA section 173(c)(2), the MCAQD Rule 205

[32] 91 FR 20394 (Apr. 16, 2026).

[33] Rule 205, section 301.2 and 301.3a.

[34] Rule 205, section 220.

[35] Rule 205, section 302.1d.

[36] Rule 205, section 301.2.

[37] MOVES categorizes vehicles into 13 source types based on physical characteristics. The source types are based on the Highway Performance Monitoring System (HPMS) vehicle groups. HPMS is defined at 23 CFR 490.101, and includes Motorcycles, Light Duty Vehicles—Short and Long Wheelbase, Buses, Single Unit Trucks, and Combination Trucks. The source types are set based on physical characteristics, such as number of wheels, number of axles, bus, truck type, etc.

[38] MOVES has four tables—FuelSupply, FuelFormulation, FuelUsageFraction, and AVFT (Alternative Vehicle Fuel and Technologies)—that defines the fuels used in the area being modeled. These tables can be adjusted to accurately model the type of fuel being used at the local level.

[39] *See* Appendix A, section A.3.(a) and Appendix A, section B.3.(a) of Rule 205.

[40] *See* EPA's *MOVES5 Technical Guidance: Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity* (EPA–420–B–24–043, Nov. 2024) for further information on how to run and implement these tools within MOVES. The EPA encourages MOVES users to contact us about the application of this guidance to specific SIPs or a regional conformity analysis.

[41] As explained previously, to the extent Rule 205 does not address every possible scenario that may be encountered, generators may obtain approval from the MCAQD and the EPA for an alternative calculation methodology as prescribed in Section 302.1d of Rule 205. However, we anticipate the need for such approvals to be rare.

submittal explains that the Maricopa Association of Governments (MAG) [42] will address this by adding 1,000 tpy of NO_X and 500 tpy of VOC emissions into the emissions inventory for its new ozone ''Moderate'' area plan for the 2015 ozone NAAQS.[43] This line item represents the maximum number of MERCs and/or nonroad engine emission reduction credits (NERCs) that will be creditable through Rule 205 and MCAQD Rule 204, ''Emission Offsets Generated by Voluntary Nonroad Engine Emission Reductions,'' revised on November 5, 2025 (''Rule 204'').[44] Effectively, this ensures MERCs and NERCs generated through Rules 205 and 204, respectively, will be excluded from SIP modeling and cannot be accounted for in the State's attainment demonstration for the 2015 ozone NAAQS. Regarding transportation conformity, the MCAQD Rule 205 submittal explains that before the start of modeling for a transportation plan or transportation improvement program conformity, the MCAQD will notify MAG of each individual MERC project so that the reductions from each project are not included in the corresponding transportation conformity analysis, consistent with the interagency consultation process required by 40 CFR 93.112.[45]

These actions by the MCAQD and MAG related to attainment plans and transportation conformity ensure that Rule 205 will only allow surplus emissions reductions to be creditable for NNSR offset purposes and that Arizona will not ''double-count'' emissions reductions when developing SIP attainment demonstrations.

Comment 5.a: The commenter asserted that Rule 205 is deficient because it does not specify whether ongoing monitoring, recordkeeping, and reporting requirements applicable to MERC generators must be preserved when the generator's business changes hands, restructures, expands, or shuts down. The commenter asserted that this omission is a legal defect.

Response 5.a: We disagree that Rule 205 is deficient because it does not specifically state what happens to ongoing requirements in Rule 205 when the MERC generator's business changes hands, restructures, expands, or shuts down. Under Rule 205, MERC generators will be issued permits that contain the applicable monitoring, recordkeeping, and reporting requirements.[46] If the owner/operator named on the permit were to change as a result of a business changing hands, restructuring, expanding, or shutting down, the MCAQD's SIP-approved New Source Review (NSR) program provides a process for ensuring that permit requirements remain in effect, and this process would apply to MERC generators.[47] MCAQD Rule 200, ''Permit Requirements,'' revised on December 11, 2019 (''Rule 200''), describes the requirements for transferring a permit, including, but not limited to, a signed statement and acceptance of responsibility for the permit by the new permit holder.[48] To the extent the commenter is concerned about the integrity of MERCs as a result of a business changing hands, restructuring, expanding, or shutting down, Rule 205 contains provisions for ensuring the ongoing integrity of MERCs and includes requirements to address potential shortfalls in emissions reductions.[49]

Comment 5.b: The commenter stated that the requirement for MERC generators in Rule 205 to track, for 20 years, that a new or retrofitted vehicle is only replaced with a vehicle that is certified to the same or lower emission standards is a ''de facto constraint on future fleet decisions.'' As an example, the commenter stated that a company that switches to electric vehicles but leases vehicles on a three-year cycle could be prohibited from reverting to internal combustion engines at the end of the lease term, which the commenter asserted would effectively function as a long-term electric vehicle mandate. The commenter concluded that the rule therefore ''raises significant preemption concerns absent a [CAA] [s]ection 209 waiver.''

Response 5.b: We disagree that Rule 205 functions as a long-term electric vehicle mandate that raises preemption concerns under CAA section 209. CAA section 209(a) prohibits States from setting or enforcing new motor vehicle emissions standards unless a waiver is granted by the EPA under CAA section 209(b).[50] Here, there is no State action to set or enforce a new motor vehicle emissions standard. Rule 205 is merely an administrative rule to facilitate the creation and trading of MERCs for use as offsets by stationary sources. Participation in the MERC generating program is voluntary. If a fleet owner or operator voluntarily *chooses* to generate MERCs by replacing a vehicle with an electric vehicle, then Rule 205 requires the MERC generator to maintain the same level of emissions reductions for 20 years to meet the offset integrity criteria. As stated previously, Rule 205 is fuel neutral and does not restrict the type of vehicle replacement that qualifies for generating MERCs. If a MERC generator finds that replacing a vehicle with an electric vehicle would be too restrictive on future vehicle fleet decisions, then the MERC generator can choose a replacement vehicle type with emission rates the MERC generator can more confidently maintain.

IV. EPA Action

No comments were submitted that changed our assessment of the approvability of the MCAQD Rule 205 submittal as described in our proposed action. Therefore, as authorized in CAA section 110(k)(3), the EPA is approving the MCAQD Rule 205 submittal by adding MCAQD Rule 205 into the federally enforceable portion of the Arizona SIP and adding the MCAQD's EIP support document into the non-regulatory portion of the Arizona SIP.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of MCAQD

[42] MAG is a nonprofit Arizona corporation composed of elected officials from over 20 cities and towns, Maricopa County, Gila River Indian Community, and the Arizona Department of Transportation. MAG is the lead planning organization for Maricopa County that is responsible for conducting air quality modeling and preparing and demonstrating that the transportation plans and transportation conformity are consistent with air quality plans.

[43] MCAQD Rule 205 submittal, page 37.

[44] NERCs are ERCs generated from captive fleet nonroad engines, as defined in Rule 204. On November 14, 2025, Rule 204 was submitted to the EPA by the ADEQ for inclusion into the Maricopa County portion of the Arizona SIP. On October 8, 2026, the EPA proposed approval of Rule 204 into the Maricopa County portion of the Arizona SIP. *See* 91 FR 64321 (Oct. 8, 2026).

[45] MCAQD Rule 205 submittal, page 37. For a fuller discussion on how Rule 205 meets the surplus criterion, please see pages 9 through 14 of the TSD for this action.

[46] Rule 205, sections 301.2b and 301.3b.

[47] The NSR program refers to the requirements for SIPs to contain permitting programs for the preconstruction review of new and modified stationary sources under the CAA. The program consists of three main components: the minor NSR program at 40 CFR 51.160 through 51.164, the NNSR program at 40 CFR 51.165, and the Prevention of Significant Deterioration program at 40 CFR 51.166. The MCAQD has SIP-approved rules for all three components.

[48] Rule 200, section 404, as approved into the SIP. *See* 87 FR 8418 (Feb. 15, 2022).

[49] Rule 205, section 401.

[50] CAA section 209(a) states: ''No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.''

Rule 205, ''Emission Offsets Generated by Voluntary Mobile Source Emission Reductions,'' revised on May 21, 2025, which establishes a federally enforceable program allowing fleet vehicle owners/operators to generate ERCs through voluntary on-road mobile source emissions reductions under the CAA. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under CAA sections 110 and 113 as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[51] The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 4, 2027. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*See* CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: November 2, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

■ 2. Amend § 52.120 by:

■ a. In paragraph (c), amending Table 4, under the subheading ''Regulations II—Permits and Fees'', adding an entry for ''Rule 205'' after the entry for ''Rule 200''; and

■ b. In paragraph (e), amending Table 1, under the subheading ''Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas'' adding an entry for ''Revision to Arizona's State Implementation Plan (SIP) Addition of Rule 205 to the Maricopa County Air Pollution Control Regulations (MCAPCR), Appendix 18–Economic Incentive Program Support Document'' after the entry for ''Revision of Rule 322 of the Maricopa County Air Pollution Control Regulations, Appendix 12: RACT Analyses Submitted to the Maricopa County Air Quality Department from the Arizona Public Service and the Salt River Project, only''.

The additions read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

[51] 62 FR 27968 (May 22, 1997).

TABLE 4 TO PARAGRAPH (c)—EPA-APPROVED MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
* *	*	*	* *	*
Regulation II—Permits and Fees				
* *	*	*	* *	*
Rule 205	Emission Offsets Generated by Voluntary Mobile Source Emission Reductions.	May 21, 2025	November 5, 2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Submitted on May 30, 2025.
* *	*	*	* *	*

* * * * * (e) * * *

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES

[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively][1]

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
The State of Arizona Air Pollution Control Implementation Plan				
* *	*	*	* *	*
Part D Elements and Plans for the Metropolitan Phoenix and Tuscon Areas				
* *	*	*	* *	*
Revision to Arizona's State Implementation Plan (SIP) Addition of Rule 205 to the Maricopa County Air Pollution Control Regulations (MCAPCR), Appendix 18—Economic Incentive Program Support Document.	Maricopa County	May 30, 2025	November 5, 2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Adopted by the Maricopa County Air Quality Department on May 21, 2025.
* *	*	*	* *	*

[1] Table 1 is divided into three parts: Clean Air Act Section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

* * * * *

[FR Doc. 2026–22647 Filed 11–4–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2023–0230; FRL–9329–03–R3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; West Virginia; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA) section 111(d) plan revision submitted by the West Virginia Department of Environmental Protection (WVDEP). This revision updates the plan to include changes made to Emissions Guidelines and Compliance Times for municipal solid waste (MSW) landfills. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on December 7, 2026. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of December 7, 2026. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of December 23, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2023–0230. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov,* or please contact the person identified

in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AP10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

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

CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
EPA Environmental Protection Agency
MSW Municipal Solid Waste
NPRM Notice of Proposed Rulemaking
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
TSD Technical Support Document
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code
WVDEP West Virginia Department of Environmental Protection

Table of Contents

I. Background
II. Summary of Action and EPA Analysis
III. Final Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews
1. General Requirements
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Executive Order 14192: Unleashing Prosperity Through Deregulation
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
K. Congressional Review Act (CRA)
L. Judicial Review

I. Background

On March 23, 2026 (91 FR 13800), the EPA published a notice of proposed rulemaking (NPRM) for the State of West Virginia. In the NPRM, the EPA proposed approval of a State plan revision for the control of emissions from existing MSW landfills. The formal State plan was submitted by WVDEP on November 18, 2021, in response to the EPA's March 26, 2020 final residual risk and technology review for the MSW landfills source category.[1]

II. Summary of Action and EPA Analysis

The EPA has reviewed the West Virginia CAA section 111(d) plan revision submittal in the context of the requirements of 40 CFR part 60, subparts B, Ba (where applicable), and Cf, and 40 CFR part 62, subpart A. The EPA has determined that the submitted CAA section 111(d) plan revision meets the requirements of the aforementioned subparts. Included within the CAA section 111(d) plan revision are regulations under the West Virginia State rule 45CSR23, entitled ''Control of Air Pollution from Municipal Solid Waste Landfills,'' effective on June 1, 2021.

Other specific requirements of West Virginia's state plan revision for MSW landfills and the rationale for the EPA's now final action are explained in the NPRM and its associated technical support document (TSD) and will not be restated here. During the comment period, the EPA received one comment which did not relate to the proposed action and does not require the EPA to respond. This comment is available within the docket for this action.

III. Final Action

The EPA is approving West Virginia's November 18, 2021 CAA section 111(d) plan revision for MSW landfills submitted pursuant to 40 CFR part 60, subpart Cf. Therefore, the EPA is amending 40 CFR part 62, subpart XX to reflect this action. The scope of the approval of CAA section 111(d) plan revision is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the emission guidelines, 40 CFR part 60, subpart Cf. The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c), as well as section 4.8.b, ''Implementation of Emission Guidelines for Existing MSW Landfills,'' of West Virginia's CAA section 111(d) plan submittal.

[1] See 85 FR 17244.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the West Virginia legislative rule 45CSR23 as described in section II of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). West Virginia legislative rule 45CSR23, effective June 1, 2018, is referenced in the amendatory text of this document and was previously approved for 40 CFR 62.12125.

V. Statutory and Executive Order Reviews

Under the CAA, the EPA is required to approve a CAA section 111(d) submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B, Ba (where applicable), and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) State plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it

does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the states, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rule does not involve technical standards. This action is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

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

K. Congressional Review Act (CRA)

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 4, 2027. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Landfills, Methane, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart XX—West Virginia

■ 2. Amend § 62.12125 by:
■ a. Revising paragraphs (b) and (c); and
■ b. Adding paragraph (d).

The revisions and additions read as follows:

§ 62.12125 Identification of plan.

* * * * *

(b) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the West Virginia Department of Environmental Protection on September 13, 2018, and as amended on November 18, 2021, to implement 40 CFR part 60, subpart Cf. The Plan includes regulatory provisions cited in paragraph (d) of this section, which the EPA incorporates by reference.

(c) After December 23, 2019, the substantive requirements of the municipal solid waste landfills State plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in West Virginia must comply with the requirements in paragraph (b) of this section.

(d) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Environmental Protection Agency (EPA) and at the National Archives and Records Administration (NARA). Contact the EPA at: U.S. Environmental Protection Agency, Region III office, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103; phone: (215) 814–5000; website: *www.epa.gov/dockets.* 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.* The material may be obtained from the State of West Virginia, Office of the Secretary of State, Administrative Law Division, Bldg. 1, Suite 157–K, 1900 Kanawha Boulevard, East, Charleston, WV 25305; email: *AdLaw@wvsos.gov;* website: *sos.wv.gov/*

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(1) West Virginia legislative rule 45CSR23, Control of Air Pollution from Municipal Solid Waste Landfills, effective June 1, 2018.

(2) West Virginia legislative rule 45CSR23, Control of Air Pollution from Municipal Solid Waste Landfills, effective June 1, 2021.

■ 3. Amend § 62.12127 by adding paragraph (c) to read as follows:

§ 62.12127 Effective date.

* * * * *

(c) The effective date of the plan submitted on November 18, 2021, by the West Virginia Department of Environmental Protection for municipal solid waste landfills is January 4, 2027.

[FR Doc. 2026–22584 Filed 11–4–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2025–2169; FRL–13126–03–OCSPP]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (25–3.5e)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for certain chemical substances that were the subject of premanufacture notices (PMNs) and are also subject to an Order issued by EPA pursuant to TSCA. The SNURs require persons to notify EPA at least 90 days before commencing the manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use in the SNUR. The required notification initiates EPA's evaluation of the conditions of that use for that chemical substance. In addition, the manufacture or processing for the significant new use may not commence until EPA has conducted a review of the required notification; made an appropriate determination regarding that notification; and taken such actions as required by that determination.

DATES: This rule is effective on January 4, 2027. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (EST) on November 19, 2026.

ADDRESSES: The docket for this action, identified under docket identification (ID) number EPA–HQ–OPPT–2025–2169, is available online at *https://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket) in the Environmental Protection Agency Docket Center (EPA/DC). Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Joseph Said, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0848; email address: *said.joseph@epa.gov.*

For general information on SNURs: Iliriana Mushkolaj, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–6877; email address: *mushkolaj.iliriana@epa.gov.*

For general information on TSCA: The TSCA Assistance Information Service Hotline, Goodwill of the Finger Lakes, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the factors in TSCA section 5(a)(2).

B. What action is the Agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for the chemical substances identified in this document. These chemical substances were the subject of PMNs and are also subject to an Order issued by EPA pursuant to TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). The SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4). The SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use in the SNURs to notify EPA at least 90 days before commencing that activity.

Previously, EPA proposed SNURs for these chemical substances in the **Federal Register** of June 5, 2026 (91 FR 34480 (FRL–13126–01–OCSPP)). The docket includes information considered by the Agency in developing the proposed and final rules, including public comments and EPA's responses to the comments received as discussed in Unit II.D.

C. Does this action apply to me?

1. General Applicability

This action applies to you if you manufacture, process, or use the chemical substances identified in this document. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

2. Applicability to Importers and Exporters

This action may also apply to certain entities through pre-existing import certification and export notification requirements under TSCA (*https://www.epa.gov/tsca-import-export-requirements*).

Chemical importers are subject to TSCA section 13 (15 U.S.C. 2612), the requirements in 19 CFR 12.118 through 12.127, 19 CFR 127.28, and 40 CFR part 707, subpart B. Importers of chemical substances in bulk form, as part of a mixture, or as part of an article (if required by rule) must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including regulations issued under TSCA sections 5, 6, 7 and Title IV.

Pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance identified in this document are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

D. What are the incremental economic impacts of this action?

EPA has evaluated the potential costs of establishing SNUN reporting requirements for potential manufacturers and processors of the chemical substances identified in this

document. This analysis, which is available in the docket, is briefly summarized here.

1. Estimated Costs for SNUN Submissions

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. If a SNUN is submitted, costs are an estimated $45,000 per SNUN submission for large business submitters and $14,500 for small business submitters. These estimates include the cost to prepare and submit the SNUN (including registration for EPA's Central Data Exchange (CDX)), and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $37,000 user fee required by 40 CFR 700.45(c)(2)(ii) and (d), or, if they are a small business as defined at 13 CFR 121.201, a reduced user fee of $6,480 (40 CFR 700.45(c)(1)(ii) and (d)). These estimates reflect the costs and fees as they are known at the time of this rulemaking.

2. Estimated Costs for Export Notifications

EPA has also evaluated the potential costs associated with the pre-existing export notification requirements under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart D. For persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical substances covered by these SNURs, as stated in the accompanying economic analysis, the estimated cost of the export notification requirement on a per unit basis is approximately $106.

II. Background

A. General Information About SNURs

Unit II. of the proposed rule provides general information about SNURs, and additional information about EPA's new chemical program is available at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

B. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. As discussed in Unit II.E. of the proposed rule, EPA concluded that the proposed significant new uses were not ongoing. If EPA subsequently determines that such a use was ongoing as of the date of publication of the proposed rule and did not cease prior to issuance of the final rule, EPA will not designate that use as a significant new use in the final rule. EPA has no information to suggest that any of the significant new uses identified in this rule meet this criterion.

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376 (FRL–3658–5)), EPA believes that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. The objective of EPA's approach is to ensure that a person cannot impede finalization of a SNUR by initiating a significant new use after publication of the proposed rule but before the effective date of the final rule. Uses arising after the publication of the proposed rule are distinguished from uses that are identified in the final rule as having been ongoing on the date of publication of the proposed rule. The former would be new uses, the latter ongoing uses, except that uses that are identified as ongoing as of the publication of the proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule.

In the unlikely event that before a final rule becomes effective a person begins commercial manufacturing (including importing) or processing of the chemical substances for a use that is designated as a significant new use in that final rule, such a person would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until all TSCA prerequisites for the commencement of manufacture or processing have been satisfied.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

C. Important Information About SNUN Submissions

1. SNUN Submissions

SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

2. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, TSCA order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. To assist with EPA's analysis of the SNUN, submitters are encouraged, but not required, to provide the potentially useful information as identified for the chemical substance in Unit III.C. of the proposed rule.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information described in Unit III. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that

EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information about human exposure and environmental release that may result from the significant new use of the chemical substances.

D. Public Comments on Proposed Rule and EPA Responses

EPA received public comments on the proposed SNURs and prepared a Response to Comment document that provides the Agency responses. The comments and the Response to Comment document are available in the docket. As described in the Response to Comment document, EPA is finalizing these SNURs or has already finalized a SNUR in a separate action as proposed.

III. Chemical Substances Subject to These SNURs

A. What is the designated cutoff date for ongoing uses?

EPA designates the date of publication of the proposed rule as the cutoff date for determining whether the new use is ongoing, *i.e.,* June 5, 2026 (91 FR 34480 (FRL–13126–01–OCSPP)). This designation is explained in more detail in Unit II.B.

B. What information was provided for each chemical substance?

In Unit III.C. of the proposed rule, EPA provided the following information for each chemical substance subject to these SNURs:

- PMN number (the CFR citation assigned in the regulatory text section of this document).
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service Registry Number (CASRN) or Accession Number (if assigned, for confidential chemical identities).
- Basis for the SNUR (*e.g.,* effective date of and basis for the TSCA Order).
- Potentially useful information.

The regulatory text section of this document specifies the chemical substances and activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated, may be claimed as CBI, as discussed in more detail in Unit II.C. of the proposed rule.

In addition, as discussed in Unit III.B. of the proposed rule, these SNURs include PMN substances that are subject to orders issued under TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). Those TSCA Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. As such, the SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4).

IV. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action establishes SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because a significant new use rule for a new chemical under TSCA section 5 is exempt from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

According to the PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to SNURs have already been approved by OMB pursuant to PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per submission. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, EPA has concluded that no small or large entities presently engage in such activities.

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was 7 in Federal fiscal year (FY) 2020, 9 in FY2021, 9 in FY2022, 23 in FY2023, and 7 in FY2024, and only a fraction of these submissions were from small businesses.

In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $37,000 to $6,480. This lower fee reduces the total reporting and recordkeeping cost of submitting a SNUN to about $14,500 per SNUN submission for qualifying small firms. Therefore, the potential economic impacts of complying with these proposed SNURs are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684 (FRL–5597–1)), the Agency presented its general determination that SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars) in any one year as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by SNURs, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by these SNURs. In addition, the estimated costs of this action to the private sector do not exceed $183 million or more in any one year (the 1995 dollars are adjusted to 2023 dollars for inflation using the GDP implicit price deflator). The estimated costs for this action are discussed in Unit I.D.

F. Executive Order 13132: Federalism

This action will not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it is not expected to have a substantial direct effect on 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. Accordingly, the requirements of Executive Order 13132 do not apply to this action.

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

This action will not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it does not concern an environmental health or safety risk. Since this action does not concern a human health risk, EPA's 2026 Policy on Children's Health also does not apply. Although the establishment of these SNURs do not address an existing children's environmental health concern because the chemical uses involved are not ongoing uses, SNURs require that persons notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of the identified chemical substances for an activity that is designated as a significant new use by the SNUR. This notification allows EPA to assess the intended uses to identify potential risks and take appropriate actions before the activities commence.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve any technical standards subject to NTTAA section 12(d) (15 U.S.C. 272 note).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 28, 2026.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

For the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add §§ 721.12225 through 721.12228 and §§ 721.12230 through 721.12259 to subpart E to read as follows:

* * * * *

Sec.

721.12225 Alcohols, C16-18 and C18-unsatd., reaction products with substituted alkyloxirane and alkyl acid (generic).
721.12226 Manganate(4-), hexakis(cyano-.kappa.C)-, manganese(2+) sodium, (OC-6-11)-.
721.12227 Ferrate(4-), hexakis(cyano-.kappa.C)-, iron(3+) manganese(2+) sodium, (OC-6-11)-.
721.12228 1H,4H,14H,17H-2,16:3,15-Dimethano-5H,6H,7H,8H,9H, 10H,11H,12H,13H,18H,19H, 20H,21H,22H,23H,24H,25H,26H-2,3,4a,5a,6a,7a,8a,9a, 10a,11a,12a,13a,15,16, 17a,18a,19a,20a,21a,22a,23a,24a,25a,26a-tetracosaaza bispentaleno[1‴,6‴:5″,6″,7″]cycloocta [1″,2″,3″:3′,4′]pentaleno [1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12, 14,17,19,21,23,25-dodecone, dodecahydro-, stereoisomer; 2,18:3,17-Dimethano-2,3,4a,5a,6a,7a,8a,9a, 10a,11a,12a,13a,14a,15a, 17,18,19a,20a,21a,22a, 23a,24a,25a,26a,27a,28a,29a,30a-octacosaazabispentaleno[1⁗,6⁗:5⁗, 6⁗,7⁗]cycloocta [1⁗,2⁗,3⁗:3⁗,4″]pentaleno [1⁗,6‴:5″,6″,7″]cycloocta [1″,2″,3″:3′,4′]pentaleno [1′,6′:5,6,7]cycloocta[1,2,3-cd:1′,2′,3′-gh]pentalene-1,4,6,8,10, 12,14,16,19,21,23,25,27,29-tetradecone, tetradecahydro-, stereoisomer; 2,20:3,19-Dimethano-2,3,4a,5a,6a,7a,8a,9a, 10a,11a,12a,13a,14a, 15a,16a,17a,19,20,21a, 22a,23a,24a,25a,26a,27a, 28a,29a,30a,31a,32a,33a,34a-dotriacontaazabispentaleno [1⁗,6⁗:5⁗,6⁗,7⁗]cycloocta [1⁗,2⁗,3⁗:3⁗,4⁗]pentaleno [1⁗,6‴:5″,6″,7″]cycloocta [1″,2″,3″:3′,4′]pentaleno [1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′] dipentalene-1,4,6,8,10,12,14,16,18,21,23, 25,27,29,31,33-hexadecone, hexadecahydro-, stereoisomer.
721.12230 Mixed metal oxide (generic).
721.12231 Rosin, fumarated, polymer with adipic acid and glycerol.
721.12232 Derivatives of fats and oils, plant based, polycyclic acids functionalized, aromatic acids, polyester with diols and triols (generic).
721.12233 Multi-walled carbon nanotubes.
721.12234 Polysubstitutedcarbocycle, polyhydroxy, polyalkyl (generic).
721.12235 Cashew, nutshell liq., polymer with epichlorohydrin and glycol (generic).
721.12236 Fatty acids, reaction products with alkene polyamine (generic).
721.12237 Fatty acids, reaction products with alkene polyamine (generic).
721.12238 Fatty acids, reaction products with alkene polyamine (generic).
721.12239 Functionalized fatty acids, reaction products with alkene polyamines (generic).
721.12240 Functionalized fatty acids, reaction products with alkene polyamines (generic).
721.12241 Substitutedheterocyclic onium compound, salt with fluoro polysubstitutedalkyl substituted tricycloalkane carboxylate (1:1), polymer with 4-ethenyl-2-methoxylphenol and fluorosubstitutedaromaticalkyl 2-methyl-2-propenoate, di-Me 2,2′-(1,2-diazenediyl)bis[2- methylpropanoate]-initiated (generic).
721.12242 Dibenzothiophenium, 5-phenyl-, salt with fluoroheterosubstitutedalkyl

heterosubstitutedhalosubstituted aromatichydrocarboncarboxylate (1:1), polymer with 3- ethenylphenol and fluorocarbomonocyclealkyl 2-methyl-2-propenoate (generic).

721.12243 Dibenzothiophenium, 5-phenyl-, salt with fluoroheterosubstitutedalkyl heterosubstitutedhalosubstitute daromatichydrocarboncarboxylate (1:1), polymer with 3- ethenylphenol and alkylcycloalkyl 2-methyl-2-propenoate (generic).

721.12244 Lithium dihalo (oxalato)borate(1-) (generic).

721.12245 Carbamodithioic acid, N,N-bis(phenylmethyl)-, compd. with 2,2′-dithiobis[ethanamine] (2:1).

721.12246 Benzene, [alkyl [polycycloalkyl]-yl] polyfluoro-alkyl- (generic).

721.12247 Substituted polyphenyl, alkyl-fluoro-alky (generic).

721.12248 Substituted polyphenyl, alkyl-polyfluoro-alkyl- (generic).

721.12249 Substituted polyphenyl, alkyl-alkyl-polyfluoro- (generic).

721.12250 Substituted polyphenyl, alkyl-alkyl-fluoro- (generic).

721.12251 Phenyl carboxylic acid, alkylcycloalkyl, phenylalkanediyl ester (generic).

721.12252 Fluoro substituted polyphenyl alkyl (generic).

721.12253 Polyphenyl, ethoxy-polyfluoro-alkyl- (generic).

721.12254 Transition metal polykis (heteroatom substituted carbomonocycle), hydroxy- oxo- (generic).

721.12255 Heteromonocyclealkanol, homopolymer, monoalkyl ether (generic).

721.12256 Sulfonium, bis(dihalo carbomonocycle)carbomonocycle-. salt with dihalo-sulfoalkyl [(alkenyl carbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkyl carbomonocycle alkyl alkenoate (generic).

721.12257 Sulfonium, bis(dihalo carbomonocycle)(halo carbomonocycle)-, salt with dihalo-sulfoalkyl [(alkenylcarbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkylcarbomonocycle alkyl alkenoate (generic).

721.12258 Sulfonium, bis(dihalo carbomonocycle)(halocarbomonocycle)-, salt with trihalobenzoate (generic).

721.12259 Aromatic sulfonium tricyclo salt with carbopolycycloalkyl ester poly substitutedarylhetero-acid (generic).

* * * * *

§ 721.12225 Alcohols, C16–18 and C18-unsatd., reaction products with substituted alkyloxirane and alkyl acid (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alcohols, C16–18 and C18-unsatd., reaction products with substituted alkyloxirane and alkyl acid (PMN P–21–76) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (a)(3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: skin sensitization and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12226 Manganate(4-), hexakis(cyano-.kappa.C)-, manganese(2+) sodium, (OC-6-11)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as manganate(4-), hexakis(cyano-.kappa.C)-, manganese(2+) sodium, (OC-6-11)-(PMN P–22–40; CAS No. 2073840–04–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1000.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin sensitization, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(b) and (c). For purposes of § 721.80(b) and (c), the process remains enclosed as long as the only releases are from sampling, dust filter changes, loss of integrity or failure of the manufacturing process equipment or control systems. It is a significant new use to use the substance other than as a component in manufacture of high-performance batteries. It is a significant new use to use the substance in any manner that results in inhalation exposure to workers. It is a significant new use to perform the dust filter change more than two times a year. It is a significant new use to manufacture the substance at a site that has off-gas waste streams unless all such waste streams are captured and routed through engineering controls that achieve a total combined efficiency of 99.9% destruction of the substance. It is a significant new use to manufacture the substance unless the concentration of manganese does not exceed the confidential percentage by weight listed in the Order.

(iv) *Disposal.* It is a significant new use to dispose of the substance, when not in solid form, by landfill. The substance may be disposed of by landfill at hazardous waste landfill facilities that are in compliance with RCRA subtitle C and D, when in solid form. The substance or waste streams containing the substance must be disposed of by incineration, when not in solid form. It is a significant new use to exceed the confidential disposal by incineration limit listed in the Order. This limit does

not apply to quantities sent for incineration at a hazardous waste incineration facility that is compliant with RCRA subtitle C.

(v) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=0.2.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12227 Ferrate(4-), hexakis(cyano-.kappa.C)-, iron(3+) manganese(2+) sodium, (OC-6-11)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as ferrate(4-), hexakis(cyano-.kappa.C)-, iron(3+) manganese(2+) sodium, (OC-6-11)- (PMN P–22–41; CAS No. 2073839–30–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin sensitization, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(b) and (c). For purposes of § 721.80(b) and (c), the process remains enclosed as long as the only releases are from sampling, dust filter changes, loss of integrity or failure of the manufacturing process equipment or control systems. It is a significant new use to use the substance other than as a component in manufacture of high-performance batteries. It is a significant new use to use the substance in any manner that results in inhalation exposure to workers. It is a significant new use to perform the dust filter change more than two times a year. It is a significant new use to manufacture the substance at a site that has off-gas waste streams unless all such waste streams are captured and routed through engineering controls that achieve a total combined efficiency of 99.9% destruction of the substance. It is a significant new use to manufacture the substance unless the concentration of manganese does not exceed the confidential percentage by weight listed in the Order.

(iv) *Disposal.* It is a significant new use to dispose of the substance, when not in solid form, by landfill. The substance may be disposed of by landfill at hazardous waste landfill at a facility that is in compliance with RCRA subtitle C and D, when in solid form. The substance or waste streams containing the substance must be disposed of by incineration, when not in solid form. It is a significant new use to exceed the confidential disposal by incineration limit listed in the Order. This limit does not apply to quantities sent for incineration at a hazardous waste incineration facility that is compliant with RCRA subtitle C.

(v) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N = 2.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section

except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12228 1H,4H,14H,17H–2,16:3,15-Dimethano-5H,6H,7H,8H,9H,10H,11H,12H,13H,18H,19H,20H,21H,22H,23H,24H,25H,26H–2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,15,16,17a,18a,19a,20a,21a,22a,23a,24a,25a,26a-tetracosaazabispentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12,14,17,19,21,23,25-dodecone, dodecahydro-, stereoisomer; 2,18:3,17-Dimethano-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,14a,15a,17,18,19a,20a,21a,22a,23a,24a,25a,26a,27a,28a,29a,30a-octacosaaza bispentaleno[1⁗,6⁗:5‴,6‴,7‴]cycloocta[1‴,2‴,3‴:3″,4″]pentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7]cycloocta[1,2,3-cd:1′,2′,3′-gh]pentalene-1,4,6,8,10,12,14,16,19,21,23,25,27,29-tetradecone, tetradecahydro-, stereoisomer; 2,20:3,19-Dimethano-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,14a,15a,16a,17a,19,20,21a,22a,23a,24a,25a,26a,27a,28a,29a,30a,31a,32a,33a,34a-dotriacontaazabispentaleno[1⁗,6⁗:5‴,6‴,7‴]cycloocta[1‴,2‴,3‴:3‴,4‴]pentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12,14,16,18,21,23,25,27,29,31,33-hexadecone, hexadecahydro-, stereoisomer.

(a) Chemical substance and significant new uses subject to reporting. (1) The chemical substances identified as 1H,4H,14H,17H–2,16:3,15-dimethano-5H,6H,7H,8H,9H,10H,11H,12H,13H,18H,19H,20H,21H,22H,23H,24H,25H,26H-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,15,16,17a,18a,19a,20a,21a,22a,23a,24a,25a,26a-tetracosaazabispentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12,14,17,19,21,23,25-dodecone, dodecahydro-, stereoisomer; 2,18:3,17-dimethano-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,14a,15a,17,18,19a,20a,21a,22a,23a,24a,25a,26a,27a,28a,29a,30a-octacosa azabispentaleno[1⁗,6⁗:5‴,6‴,7‴]cycloocta[1‴,2‴,3‴:3‴,4‴]pentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′,4′]pentaleno[1′,6′:5,6,7]cycloocta[1,2,3-cd:1′,2′,3′-gh]pentalene-1,4,6,8,10,12,14,16,19,21,23,25,27,29-tetradecone, tetradecahydro-, stereoisomer; 2,20:3,19-dimethano-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,14a,15a,16a,17a,19,20,21a,22a,23a,24a,25a,26a,27a,28a,29a,30a,31a,32a,33a,34a-dotriacontaazabispentaleno[1⁗,6⁗:5‴,6‴,7‴]cycloocta[1‴,2‴,3‴:3‴,4‴]pentaleno[1‴,6‴:5″,6″,7″]cycloocta[1″,2″,3″:3′,4′]pentaleno

[1′,6′:5,6,7]cycloocta[1,2,3-gh:1′,2′,3′-g′h′]cycloocta[1,2,3-cd:5,6,7-c′d′]dipentalene-1,4,6,8,10,12,14,16,18,21,23,25,27,29,31,33-hexadecone, hexadecahydro-, stereoisomer (PMN P–22–158; CASRNs 283175–97–3; 259886–50–5; 259886–51–6) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substances after they have been incorporated into a polymer matrix, or when incorporated into a consumer product at or below 1.7% by weight (calculated by the weight of all three substances combined) and packaged as a consumer product.

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(3)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities.* It is a significant new use to process for use or use the substances in a consumer product unless the concentration of the substances combined does not exceed 1.7% by weight in the consumer product.

(iii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 18.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (f) through (i), and (k) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

* * * * *

§ 721.12230 Mixed metal oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as mixed metal oxide (PMNs P–22–187 and P–24–88; Accession No. 303027) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been entrained in cured coating.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity and carcinogenicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance in a solid form other than when using dust controls with a capture and control efficiency of >97%.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (j) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12231 Rosin, fumarated, polymer with adipic acid and glycerol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as rosin, fumarated, polymer with adipic acid and glycerol (PMN P–23–96; CASRN 2888640–13–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye irritation and skin sensitization. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 330.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12232 Derivatives of fats and oils, plant based, polycyclic acids functionalized, aromatic acids, polyester with diols and triols (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as derivatives of fats and oils, plant based, polycyclic acids functionalized, aromatic acids, polyester with diols and triols (PMN P–23–99) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health

(NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation, eye irritation, skin sensitization, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to use the substance in spray applications.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N = 21. For purposes of 721.91(a)(7), the control technology is primary and secondary wastewater treatment as defined in 40 CFR part 133 and the percentage removal of the substance resulting from use of the specified control technology is 90%.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12233 Multi-walled carbon nanotubes.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as multi-walled carbon nanotubes (PMN P–23–105) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely entrained or incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye irritation, skin sensitization, respiratory sensitization, specific target organ toxicity, reproductive toxicity, genetic toxicity, and carcinogenicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), (o), and (t). It is a significant new use to manufacture, process, or use the substance in solid form unless using engineering controls with a minimum efficiency of 95% capture and 99% control. Engineering controls are not needed when the substance is in liquid solution or dispersion. It is a significant new use to manufacture, process, or use the substance unless the confidential residual listed in the Order is present at the confidential limit listed in the Order or less by weight.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12234 Polysubstitutedcarbocycle, polyhydroxy, polyalkyl (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polysubstitutedcarbocycle, polyhydroxy, polyalkyl (PMN P–23–156) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50, or 1,000 if spray applied.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: respiratory sensitization, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to process for use or use the substance in a consumer product where the concentration of the substance is equal to or exceeds the confidential percentage in formulation listed in the Order.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 19.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12235 Cashew, nutshell liq., polymer with epichlorohydrin and glycol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as cashew, nutshell liq., polymer with epichlorohydrin and glycol (PMN P–24–45) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after

they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation, eye irritation, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to spray apply the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12236 Fatty acids, reaction products with alkene polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fatty acids, reaction products with alkene polyamine (PMN P–24–54) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye corrosion, skin corrosion, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12237 Fatty acids, reaction products with alkene polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fatty acids, reaction products with alkene polyamine (PMN P–24–55) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye corrosion, skin corrosion, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12238 Fatty acids, reaction products with alkene polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fatty acids, reaction products with alkene polyamine (PMN P–24–56) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye corrosion, skin corrosion, skin sensitization, and specific target organ toxicity. Alternative hazard and warning

statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12239 Functionalized fatty acids, reaction products with alkene polyamines (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as functionalized fatty acids, reaction products with alkene polyamines (PMN P–24–58) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, serious eye damage, skin corrosion, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12240 Functionalized fatty acids, reaction products with alkene polyamines (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as functionalized fatty acids, reaction products with alkene polyamines (PMN P–24–59) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, serious eye damage, skin corrosion, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12241 Substituted heterocyclic onium compound, salt with fluoropolysubstitutedalkyl substituted tricycloalkane carboxylate (1:1), polymer with 4-ethenyl-2-methoxylphenol and fluorosubstitutedaromaticalkyl 2-methyl-2-propenoate, di-Me 2,2′-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substitutedheterocyclic onium compound, salt with fluoropoly substitutedalkyl substituted tricycloalkane carboxylate (1:1), polymer with 4-ethenyl-2-methoxylphenol and fluorosubstitutedaromaticalkyl 2-methyl-2-propenoate, di-Me 2,2′-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated (PMN P–24–98) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic

toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12242 Dibenzothiophenium, 5-phenyl-, salt with fluorohetero substituted alkyl hetero substituted halo substituted aromatichydrocarboncarboxylate (1:1), polymer with 3-ethenylphenol and fluorocarbomonocyclealkyl 2-methyl-2-propenoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dibenzothiophenium, 5-phenyl-, salt with fluorohetero substituted alkyl hetero substituted halo substituted aromatichydro carboncarboxylate (1:1), polymer with 3-ethenylphenol and fluorocarbo monocyclealkyl 2-methyl-2-propenoate (PMN P–25–60) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12243 Dibenzothiophenium, 5-phenyl-, salt with fluoroheterosubstitutedalkyl hetero substituted halo substituted aromatichydrocarboncarboxylate (1:1), polymer with 3-ethenylphenol and alkylcycloalkyl 2-methyl-2-propenoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dibenzothiophenium, 5-phenyl-, salt with fluoroheterosubstitutedalkyl hetero substituted halo substituted aromatichydrocarboncarboxylate (1:1), polymer with 3- ethenylphenol and alkylcycloalkyl 2-methyl-2-propenoate (PMN P–25–64) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12244 Lithium dihalo (oxalato)borate(1-) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified

generically as lithium dihalo (oxalato)borate(1-) (PMN P–24–109) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been sealed in a battery.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, skin sensitization, serious eye damage, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12245 Carbamodithioic acid, N,N-bis(phenylmethyl)-, compd. with 2,2′-dithiobis[ethanamine] (2:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as carbamodithioic acid, N,N-bis(phenylmethyl)-, compd. with 2,2′-dithiobis[ethanamine] (2:1) (PMN P–24–112; CAS No. 239446–62–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin sensitization, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture the substance other than by import in a pellet form into the United States (*i.e.,* no domestic manufacture).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12246 Benzene, [alkyl [polycycloalkyl]-yl] polyfluoro-alkyl- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as benzene, [alkyl [polycycloalkyl]-yl] polyfluoro-alkyl- (PMN P–24–146) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when sealed inside a display.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture, process, or use the substance other than in a liquid solution.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12247 Substituted polyphenyl, alkyl-fluoro-alky (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted polyphenyl, alkyl-fluoro-alky (PMN P–24–148) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: reproductive toxicity and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by incineration other than by hazardous waste incineration in compliance with RCRA subtitle C, incineration above 1,000 degrees C for at least two seconds.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12248 Substituted polyphenyl, alkyl-polyfluoro-alkyl- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted polyphenyl, alkyl-polyfluoro-alkyl (PMN P–24–149) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: reproductive toxicity and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by incineration other than by hazardous waste incineration in compliance with RCRA subtitle C, incineration above 1,000 degrees C for at least two seconds.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12249 Substituted polyphenyl, alkyl-alkyl-polyfluoro- (generic).

(a) Chemical substance and significant new uses subject to reporting. (1) The chemical substance identified generically as substituted polyphenyl, alkyl-alkyl-polyfluoro- (PMN P–24–150) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: reproductive toxicity and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by incineration other than by hazardous waste incineration in compliance with RCRA subtitle C, incineration above 1,000 degrees C for at least two seconds.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12250 Substituted polyphenyl, alkyl-alkyl-fluoro- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted polyphenyl, alkyl-alkyl-fluoro- (PMN P–24–151) is subject to reporting under this section

for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: reproductive toxicity and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by incineration other than by hazardous waste incineration in compliance with RCRA subtitle C, incineration above 1,000 degrees C for at least two seconds.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12251 Phenyl carboxylic acid, alkylcycloalkyl, phenylalkanediyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phenyl carboxylic acid, alkylcycloalkyl, phenylalkanediyl ester (PMN P–24–152) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by hazardous waste landfill other than at a facility that is in compliance with RCRA Subtitle C.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12252 Fluoro substituted polyphenyl alkyl (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fluoro substituted polyphenyl alkyl (PMN P–24–153) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: reproductive toxicity and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by incineration unless hazardous waste incineration in compliance with RCRA Subtitle C, incineration above 1,000 degrees C for at least two seconds is used.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12253 Polyphenyl, ethoxy-polyfluoro-alkyl- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyphenyl, ethoxy-polyfluoro-alkyl- (PMN P–24–154) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol containing the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or waste streams containing the substance, by incineration unless hazardous waste incineration in compliance with RCRA Subtitle C, incineration above 1,000 degrees C for at least two seconds is used.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12254 Transition metal polykis (heteroatom substituted carbomonocycle), hydroxy- oxo- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as transition metal polykis (heteroatom substituted carbomonocycle), hydroxy- oxo- (PMN P–24–163) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1000 when the proportion of the substance with a particle size less than 10 microns is >0.1% (by weight). When the proportion of the substance with a particle size less than 10 microns is ≤0.1% (by weight), the worker respirator requirement does not apply.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12255 Heteromonocyclealkanol, homopolymer, monoalkyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heteromonocyclealkanol, homopolymer, monoalkyl ether (PMN P–25–58) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture, process for use or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85(a)(1) through (3), (b)(1) through (3), and (c)(1) through (3). For purposes of § 721.85(a)(2), (b)(2), and (c)(2), the landfill must be a hazardous waste landfill facility that is in compliance with subtitles C and D of the Resource Conservation and Recovery Act (RCRA).

(v) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N = 140. For purposes of 721.91(a)(7), the control technology is primary and secondary wastewater treatment as defined in 40 CFR part 133 and the percentage removal of the substance resulting from use of the specified control technology is 50%.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12256 Sulfonium, bis(dihalo carbomonocycle)carbomonocycle-. salt with dihalo-sulfoalkyl [(alkenylcarbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkylcarbomonocycle alkyl alkenoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, bis(dihalo carbomonocycle)carbomonocycle-. salt with dihalo-sulfoalkyl [(alkenylcarbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkylcarbomonocycle alkyl alkenoate (PMN P–25–66; Accession No. 303323) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12257 Sulfonium, bis(dihalo carbomonocycle)(halo carbomonocycle)-, salt with dihalo-sulfoalkyl [(alkenylcarbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkylcarbomonocycle alkyl alkenoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, bis(dihalo carbomonocycle)(halocarbomonocycle)-, salt with dihalo-sulfoalkyl [(alkenylcarbomonocycle)substituted] trisubstituted benzoate, polymer with alkenylcarbomonocycle and alkylcarbomonocycle alkyl alkenoate (PMN P–25–70) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12258 Sulfonium, bis(dihalo carbomonocycle)(halocarbomonocycle)-, salt with trihalobenzoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, bis(dihalo carbomonocycle)(halocarbomonocycle)-, salt with trihalobenzoate (PMN P–25–71) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be

exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12259 Aromatic sulfonium tricyclo salt with carbopolycycloalkyl ester polysubstitutedarylhetero-acid (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aromatic sulfonium tricyclo salt with carbopolycycloalkyl ester polysubstitutedarylhetero-acid (PMN P–25–97; Accession No. 303607) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0% by weight or volume. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 18 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

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LEGAL SERVICES CORPORATION

45 CFR Parts 1630 and 1631

Cost Standards and Procedures; Purchasing and Property Management

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule revises the Legal Services Corporation's (LSC or Corporation) regulations governing cost allowability, prior approval requirements, and property and procurement standards applicable to LSC recipients. The final rule clarifies when recipients must obtain prior approval for expenditures of LSC funds; increases the monetary threshold for prior approval; clarifies the treatment of proceeds from fundraising activities supported with LSC funds; provides additional flexibility in LSC's review of prior approval requests; clarifies documentation requirements for prior approval requests; and revises the deadline and requirements for accounting for LSC funds invested in real estate. These amendments are intended to clarify existing requirements, reduce administrative burden, promote consistent oversight and enforcement, and strengthen accountability in the use of Federal funds.

DATES: This final rule is effective on June 1, 2027.

FOR FURTHER INFORMATION CONTACT: Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006; (202) 295–1599 (phone), or *nwankwoalab@lsc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Legal Services Corporation Act of 1974 authorizes LSC to establish regulations governing the use of grant funds and to ensure appropriate stewardship of Federal resources. See 42 U.S.C. 2996g(e). LSC sets forth its cost standards and prior approval requirements in 45 CFR part 1630 and its procurement and property management requirements in 45 CFR part 1631.

LSC last revised part 1630 in 2017 to provide uniform standards governing the allowability and allocation of costs charged to LSC grants and contracts. Among other things, the 2017 rule required costs to be actually incurred, reasonable and necessary, allocable to the grant or contract, consistent with generally accepted accounting principles and recipient accounting practices, and adequately documented. The 2017 rule also established requirements governing prior written approval and questioned cost proceedings. As part of that rulemaking, LSC increased the prior approval threshold from $10,000 to $25,000 to account for inflation.

During the same rulemaking, LSC incorporated its property acquisition and management policies into the Code of Federal Regulations as 45 CFR part 1631. Part 1631 establishes standards for purchasing, leasing, using, and disposing of LSC-funded personal property and real estate and for using LSC funds to contract for services.

In 2022, LSC conducted a retrospective review of its regulations to determine whether existing provisions remained clear, effective, and aligned with current programmatic and compliance realities. That review identified several provisions in parts 1630 and 1631 that recipients and LSC staff found difficult to administer consistently or that lacked sufficient clarity for recipients and oversight staff. Subsequent discussions with the Office of Compliance and Enforcement, the Office of Inspector General (OIG), and other internal stakeholders confirmed those concerns.

LSC determined that regulatory action was appropriate to address ambiguities in its cost standards, prior approval requirements, and property and procurement regulations that had resulted in inconsistent interpretation and application. Since LSC last substantively revised parts 1630 and 1631 in 2017, changes in recipient operations, procurement practices, and fiscal environments have exposed limitations in the existing regulatory framework that guidance alone cannot resolve.

II. Procedural History of This Rulemaking

On January 22, 2026, the Operations and Regulations Committee (Committee) of LSC's Board of Directors (Board) voted to recommend that the Board authorize LSC to engage in rulemaking on parts 1630 and 1631. On January 27, 2026, the Board accepted the Committee's recommendation and authorized LSC to engage in rulemaking.

On March 19, 2026, the Committee voted to recommend that the Board authorize publication of a Notice of Proposed Rulemaking (NPRM). On March 23, 2026, the Board voted to authorize LSC to publish the NPRM for notice and comment.

On April 30, 2026, LSC published the NPRM in the **Federal Register**. 91 FR 23228, Apr. 30, 2026. LSC sought public comment on LSC's proposed revisions concerning the prior approval threshold and timing requirements, fundraising proceeds, review timelines for prior approval requests, documentation supporting prior approval requests, and accounting for LSC funds invested in real estate. The comment period closed on June 29, 2026.

Materials regarding this rulemaking are available in the open rulemaking section of LSC's website at *https://www.lsc.gov/about-lsc/laws-regulations-and-guidance/rulemaking*. After the effective date of the rule, those materials will appear in the closed rulemaking section at *https://www.lsc.gov/about-lsc/laws-regulations-and-guidance/rulemaking/closed-rulemaking*.

III. Discussion of Comments and Regulatory Provisions

LSC received three comments during the public comments period: (1) the National Legal Aid and Defender Association (NLADA); (2) Community Legal Services located in Orlando, Florida, an LSC funding recipient; and (3) James E. Scarborough, an individual contributor. All commenters expressed support for several elements of the proposed revisions to parts 1630 and 1631.

NLADA stated that it supported LSC's proposal to raise the prior approval threshold to $50,000, which they stated would help reduce low-risk administrative burdens. They also supported the plan to provide greater flexibility in accounting deadlines tied to recipients' audited financial statements. Additionally, NLADA requested that LSC further clarify the fundraising reimbursement rule to define what counts as ''fundraising costs'' and to exclude all staff salaries from that definition to avoid impractical tracking burdens and unintended inefficiencies.

Jeffrey D. Harvey, CEO of Community Legal Services in Orlando, FL, requested additional clarification on how the proposed standard for recipients to obtain prior approval before they incur a legal obligation to expend LSC funds applies to recurring or month-to-month contracts, allocation changes over time, and whether these situations trigger prior approval under the new rule.

James E. Scarborough supported LSC's efforts to reduce administrative burden and clarify requirements. He asked LSC to provide stronger justification for the proposed $50,000 prior-approval threshold, consider alternative approaches, and offer additional implementation guidance for the revised fundraising and accounting provisions.

IV. Section-by-Section Discussion of Proposed Changes and Comments

A. Part 1630—Cost Standards and Procedures

§ 1630.5 Standards Governing Allowability of Costs Under LSC Grants or Contracts

LSC proposed to revise § 1630.5(i) to clarify the treatment of proceeds from fundraising activities supported in whole or in part with LSC funds. LSC added § 1630.5(i) in 2017 to codify its longstanding policy permitting recipients to use LSC funds for allowable fundraising activities undertaken to increase the resources available to carry out the purposes of an LSC grant. OIG urged LSC to require recipients to treat fundraising proceeds as derivative income or, alternatively, to require recipients to reimburse the LSC account for allowable fundraising costs before allocating the remaining proceeds to other accounts.

LSC has determined that fundraising proceeds should not be included in the definition of derivative income. The definition of derivative income adopted in the 1997 final rule limits that term to income generated by activities directly supported by Federal grant funds and excludes grants, contracts, or contributions from non-LSC sources. Furthermore, LSC has determined that proceeds generated through fundraising are not ''earned'' within the meaning of derivative income. Unlike costs incurred in the ordinary course of business operations, fundraising expenses are distinctly different; they are incurred for the purpose of soliciting contributions and do not transform those contributions into earned income. Similarly, gifts are not considered earned income. Treating fundraising proceeds as derivative income would be inconsistent with that framework

Comments: NLADA requested clarification regarding what constitutes a ''fundraising cost'' subject to the proposed reimbursement requirement. NLADA agreed that reimbursement is reasonable when LSC funds are used for costs directly associated with a fundraising activity, such as venue/space rental fees, food, or other expenses associated with planning and hosting a fundraising event. NLADA expressed concern, however, that the proposed language could be interpreted to include staff salaries, efforts to secure grants, and costs associated with creating promotional or educational materials. NLADA stated that such an interpretation could require recipients to track and retrospectively allocate staff time and other ordinary operating costs

whenever those activities ultimately contribute to successful fundraising. NLADA also noted that restrictions applicable to another grant may prevent a recipient from using the proceeds of that grant to reimburse its LSC account. NLADA therefore requested that LSC clarify what constitutes a fundraising cost or identify costs that are not subject to the reimbursement requirement. James Scarborough similarly recommended that LSC provide implementation guidance or examples concerning the treatment of fundraising proceeds

Response: LSC Management agrees that clarification is appropriate. LSC intends the reimbursement requirement to apply to costs directly attributable to a fundraising activity for which the recipient receives fundraising proceeds. For example, if a recipient uses LSC funds to pay for venue/space, food, printing, or other costs incurred specifically to conduct a fundraising event, the recipient must reimburse its LSC account from the proceeds of that activity in an amount equal to the LSC funds used for those costs. LSC does not intend the provision to require recipients to identify and reimburse ordinary personnel, administrative, outreach, or educational costs merely because those activities or materials subsequently contribute to fundraising. Similarly, the provision does not require reimbursement for the costs of staff salaries incurred in preparing grant applications. Nor does LSC intend to require a recipient to use the proceeds of a grant or contribution in a manner inconsistent with restrictions imposed by the source of those funds. The relevant inquiry is whether the cost was incurred specifically for the fundraising activity rather than whether an activity or work product ultimately contributed to the recipient's ability to obtain non-LSC funds.

LSC believes this interpretation addresses NLADA's concerns while effectuating the purpose of the amendment. The final rule therefore retains the proposed reimbursement requirement. LSC provides this explanation to clarify the scope of the requirement and will provide additional implementation guidance as necessary. LSC adopts the proposed amendments to § 1630.5 without change.

§ 1630.6 Prior Approval

The existing regulations contain inconsistent language describing the amount of LSC funds that triggers the prior approval requirement. Section 1630.6(b)(1) provides that, without LSC's prior written approval, a recipient may not expend ''$25,000 or more'' of LSC funds on specified transactions, while § 1631.8(a) applies when a recipient uses ''more than $25,000'' of LSC funds. The latter formulation reflects the language of the prior version of the rule and the standard LSC intended to apply consistently.

LSC proposed to eliminate this inconsistency and clarify that recipients must obtain prior written approval before incurring a legal obligation to expend LSC funds in excess of the applicable threshold. This clarification reflects LSC's existing enforcement practice and provides recipients with a clearer point at which prior approval is required for procurement planning purposes.

LSC also proposed to increase the prior approval threshold from $25,000 to $50,000. The $25,000 threshold has remained unchanged since 2017 despite inflation, changes in procurement practices, and the increasing complexity of recipient operations. Transactions that may not have warranted individualized review when the threshold was adopted now routinely exceed $25,000. Maintaining the existing threshold may therefore divert recipient and LSC staff resources to transactions that present comparatively lower compliance risks.

LSC Management believes the higher threshold appropriately focuses oversight resources on higher-risk expenditures while reducing an unnecessary administrative burden on recipients. For costs apportioned between LSC funds and one or more other funding sources, prior approval is required when the portion allocable to LSC funds exceeds $50,000.

The final rule also clarifies that recipients must obtain prior approval *before* incurring a legal obligation to expend LSC funds in excess of the applicable threshold. This provision establishes a clear and administrable point at which the approval requirement attaches and avoids uncertainty about whether a recipient may enter a binding agreement before seeking LSC's approval.

Comments: NLADA supported increasing the prior approval threshold from $25,000 to $50,000 and clarifying that the threshold applies when expenditures exceed $50,000. NLADA stated that the increase would reduce administrative burdens associated with lower-risk transactions and allow recipients and LSC to focus resources on higher-risk expenditures. James Scarborough generally supported increasing the threshold but requested additional explanation for selecting $50,000 and suggested that LSC consider alternatives, including inflation-indexed, grant-specific, or risk-based thresholds. Community Legal Services requested clarification regarding when a recipient ''incur[s] a legal obligation to expend LSC funds,'' particularly for recurring or month-to-month contracts and costs whose allocation to LSC funds changes over time. He also asked how the standard would address arrangements structured to avoid the prior approval threshold.

Response: Generally, a recipient must obtain prior approval before incurring a legal obligation to expend more than $50,000 in LSC funds. However, if the recipient cannot reasonably determine the amount it will charge to LSC when it enters into the contract, it must seek prior approval once it reasonably anticipates that its charges to LSC under the contract will exceed $50,000. This may occur, for example, because the recipient requires additional services under a contract or because a change in funding sources increases the portion of the costs allocated to LSC. A recipient that reasonably does not anticipate exceeding the threshold when it enters into the contract does not violate the prior approval requirement by entering into the contract without LSC approval.

For example, a recipient may enter into a multi-year consulting contract without prior approval if, at the outset, it reasonably expects to charge less than $50,000 of the contract costs to LSC funds. If the recipient determines two years into the contract that it will need additional services and realizes that the amount charged to LSC will exceed $50,000, the recipient must seek prior approval at that time. The same principle applies when changes in funding or cost allocations increase the portion of a contract that the recipient expects to charge to LSC funds.

Alternately, if a recipient enters into a multi-year contract under which the amount payable in any single year is less than $50,000, but the recipient knows at the time it enters into the contract that the total amount payable over the term of the contract will exceed $50,000 in LSC funds, then the recipient must obtain prior approval from LSC before entering into the contract.

Recipients remain responsible for monitoring their expenditures and complying with their procurement policies regardless of whether LSC prior approval is initially required. LSC adopts the proposed amendments to § 1630.6 without change.

B. Part 1631—Purchasing and Property Management

§ 1631.3 Prior Approval Process

Under existing § 1631.3(b), LSC generally must decide whether to approve or deny a request involving purchases or leases of personal property, contracts for services, and capital improvements within 30 days after receiving materials LSC deems sufficient to decide. For purchases of real estate, the corresponding period is 60 days. The regulation also provides that LSC will inform a recipient within 20 days after receiving the initial request whether additional information is necessary.

LSC's experience administering the regulation has demonstrated that complex or atypical requests may require additional information that LSC could not reasonably identify during its initial review. A fixed interpretation of the 30- and 60-day provision could therefore impair LSC's ability to obtain information necessary to evaluate a transaction after the initial review period.

The final rule clarifies how the 30- and 60-day decision periods apply when LSC determines that additional information is necessary to decide a prior approval request. The period runs from LSC's receipt of all materials it deems sufficient to make a decision. If, during its review, LSC determines that more information is necessary, including after LSC has previously requested additional information, the initial, applicable decision period does not continue to run while LSC awaits the requested information. Upon receipt of the additional information, LSC will determine whether the materials are sufficient to make a decision, and the applicable 30- or 60-day decision period will begin from the date LSC has received the materials it deems sufficient. This clarification preserves the existing decision periods while recognizing that LSC may need to request additional information more than once before it has sufficient information to complete its review.

The final rule also increases the threshold applicable to exigent circumstances in § 1631.3(d)(1) from $25,000 to $50,000, consistent with the amendments to §§ 1630.6 and 1631.8.

Comments: Commenters supported LSC's efforts to clarify and streamline the prior approval process. NLADA specifically supported increasing the prior approval threshold to $50,000 because the higher threshold will reduce administrative burdens associated with lower-risk transactions.

Response: This amendment maintains consistency with the prior approval threshold established in §§ 1630.6 and 1631.8. LSC adopts the proposed amendments to § 1631.3 without change.

§ 1631.8 Requests for Prior Approval

Consistent with the amendments to § 1630.6, the final rule increases the threshold in § 1631.8(a) from $25,000 to $50,000. A recipient using more than $50,000 of LSC funds to purchase or lease personal property or contract for services must therefore request and receive LSC's prior approval.

LSC also proposed to clarify the documentation required under § 1631.8(b)(3). The existing rule requires documentation showing that the recipient followed its procurement policies and procedures in soliciting, reviewing, and approving the purchase, lease, or contract for services. Recipients have expressed uncertainty about the type of supporting documentation LSC expects, resulting in requests that require supplementation after submission.

The final rule clarifies that the required documentation consists of the documents maintained in the recipient's procurement files that demonstrate adherence to the recipient's procurement policies and procedures. LSC believes this clarification will make the requirement easier to administer and reduce the need for recipients to supplement prior approval requests after submission.

Comments: Commenters supported increasing the prior approval threshold and aligning the provisions governing when prior approval is required.

Response: LSC adopts the proposed amendments to § 1631.8 without change.

§ 1631.15 Capital Improvements

Consistent with the amendments to §§ 1630.6, 1631.3, and 1631.8, the final rule increases the threshold in § 1631.15(a) from $25,000 to $50,000. A recipient must obtain LSC's prior written approval before using more than $50,000 LSC funds to make capital improvements to real estate.

Although the NPRM did not specifically identify § 1631.15(a) for revision due to staff omission, the amendment is a logical outgrowth of the proposal pursuant to the Administrative Procedure Act (APA). See 5 U.S.C. 553(b)(A)–(B). The NPRM expressly proposed increasing the $25,000 threshold to $50,000 in §§§ 1630.6, 1631.3, and 1631.8 under the same circumstances addressed by § 1631.15. The proposal provided sufficient notice, detail, and rationale for LSC's intent to increase the current amount, and does not introduce a new regulatory approach or materially alter the content of the proposal.

Furthermore, a commenter reviewing the proposed amendments to §§§ 1630.3, 1630.6, and 1631.8 reasonably could anticipate that LSC could also make the corresponding change in § 1631.15. Therefore, LSC concludes that the amendment to § 1631.15 is within the scope of the proposed rule and the APA's logical outgrowth doctrine.

Comments: While commenters did not explicitly review this provision, they supported increasing prior approval thresholds under the same circumstances and aligning provisions governing when prior approval is required.

Response: LSC adopts the proposed amendments to § 1631.15.

§ 1631.19 Accounting and Reporting to LSC

Existing § 1631.19 requires a recipient to maintain an accounting of LSC funds relating to the purchase or maintenance of real estate purchased with LSC funds and to provide that accounting to LSC no later than April 30 of the following year or in its annual audited financial statements. The April 30 deadline assumes a calendar-year fiscal year and has caused confusion and difficulty for recipients operating on different fiscal calendars.

The final rule eliminates the fixed April 30 deadline. Instead, recipients must provide the required accounting annually no later than the date on which they are required to submit their annual audited financial statements to LSC's Office of Inspector General. Tying the accounting deadline to an existing reporting requirement accommodates recipients with different fiscal years and provides a consistent event-based deadline.

The final rule also clarifies that the accounting is cumulative. A recipient must maintain an accounting of the amount of LSC funds used to pay acquisition, financing, and capital improvement costs for each LSC-funded property, over the life of the property.

In the preamble to the 2016 Notice of Proposed Rulemaking, LSC identified additional costs, including insurance, maintenance, and taxes, as costs for which recipients should account. See 81 FR 75006, 75017, Oct. 28, 2016. The regulatory text ultimately required recipients to include only LSC funds used for acquisition costs, financing, and capital improvements. See 82 FR 37327 37344, Aug. 10, 2017. Since

promulgating part 1631, LSC has required recipients to report only the categories identified in the regulatory text.

LSC uses this information to determine accurately the amount of LSC funds invested in real property so that, upon disposition, the appropriate amount of proceeds attributable to LSC's investment may be returned to the LSC grant. Insurance and maintenance costs are not included in LSC's assessment of its interest in real estate. Although insurance and maintenance costs allocated to an LSC grant must independently satisfy applicable cost standards, LSC has determined that the administrative cost of including those expenditures in the § 1631.19 accounting exceeds the benefit to LSC.

Comments: Commenters supported replacing the April 30 deadline with a deadline tied to the submission of individual recipients' annual audited financial statements. James Scarborough recommended that LSC provide implementation guidance or examples regarding the revised accounting deadline, particularly for recipients with different fiscal years and during the transition to the new requirements.

Response: To address the transition concern raised by James Scarborough, LSC will provide recipients sufficient time and implementation guidance before the revised requirements take effect. Recipients will not be required to resubmit an accounting that became due before the effective date solely to conform to the revised deadline or format. LSC will provide additional implementation guidance as necessary. LSC adopts the proposed amendments to § 1631.9 without change.

List of Subjects

45 CFR Part 1630

Accounting, Government contracts, Grant program—law, Hearing and appeal procedures, Legal services, Questioned costs.

45 CFR Part 1631

Government contracts, Grant programs—law, Legal services, Real property acquisition.

For the reasons stated in the preamble, the Legal Services Corporation amends 45 CFR Chapter XVI as follows:

PART 1630—COST STANDARDS AND PROCEDURES

■ 1. The authority citation for part 1630 continues to read:

Authority: 42 U.S.C. 2996g(e).

■ 2. Amend § 1630.5 by revising paragraph (i) to read as follows:

§ 1630.5 Standards governing allowability of costs under LSC grants or contracts.

* * * * *

(i) *Fundraising.* (1) Costs associated with fundraising for the purpose of increasing recipient funds available to carry out the purposes of the LSC grant are allowable and allocable to the LSC grant if they meet the requirements of this section.

(2) A recipient that charges fundraising costs to the LSC grant shall reimburse its LSC account from the fundraising proceeds in an amount equal to the amount charged to the LSC grant.

(3) Fundraising proceeds are not derivative income within the meaning of §§ 1630.2(b) and 1630.17(c).

* * * * *

■ 3. Amend § 1630.6 by revising paragraphs (b)(1) introductory text and (3), and adding paragraph (b)(5) to read as follows:

§ 1630.6 Prior approval.

* * * * *

(b) * * *

(1) Without LSC's prior written approval, a recipient may not expend more than $50,000 of LSC funds on any of the following:

* * * * *

(3) For costs apportioned between LSC funds and one or more other funding sources, this requirement applies when the cost allocable to LSC funds is greater than $50,000.

* * * * *

(5) Recipients must obtain LSC's prior approval before incurring a legal obligation to expend LSC funds in excess of the applicable threshold.

* * * * *

PART 1631—PURCHASING AND PROPERTY MANAGEMENT

■ 4. The authority citation for part 1631 continues to read as follows:

Authority: 42 U.S.C. 2996g(e).

■ 5. Amend § 1631.3 by revising paragraphs (b)(1) and (2), and (d)(1) introductory text to read as follows:

§ 1631.3 Prior approval process.

* * * * *

(b)(1) For purchases or leases of personal property, contracts for services, and capital improvements, LSC will make a decision to approve or deny a request for prior approval within 30 days of receiving materials LSC deems sufficient to decide. LSC will inform a recipient within 20 days of receiving the prior approval request whether LSC needs additional information to make a decision. If LSC requests additional information, the 30-day period will restart and begin upon LSC's receipt of the requested information.

(2) For purchases of real estate, LSC will make a decision within 60 days of receiving materials LSC deems sufficient to decide. LSC will inform a recipient within 20 days of receiving the initial prior approval request whether LSC needs additional information to make a decision If LSC requests additional information, the 60-day period will restart and begin upon LSC's receipt of the requested information.

* * * * *

(d) * * *

(1) A recipient may use more than $50,000 of LSC funds to purchase personal property or award a contract for services without seeking LSC's prior approval if the purchase or contract is necessary;

* * * * *

■ 6. Amend § 1631.8 by revising paragraphs (a) and (b)(3) to read as follows:

§ 1631.8 Requests for prior approval.

(a) As required by 45 CFR 1630.6 and 1631.3, a recipient using more than $50,000 of LSC funds to purchase or lease personal property or contract for services must request and receive LSC's prior approval.

(b) * * *

(3) Documentation showing that the recipient followed its procurement policies and procedures in soliciting, reviewing, and approving the purchase, lease, or contract for services (*i.e.,* the documents recipients have in their procurement files to demonstrate adherence with the recipient's policies and procedures).

■ 7. Amend § 1631.15 by revising paragraph (a) to read as follows:

§ 1631.15 Capital Improvements.

(a) As required by 45 CFR 1630.6 and 1631.3, a recipient must obtain LSC's prior written approval before using more than $50,000 of LSC funds to make capital improvements to real estate.

* * * * *

■ 8. Revise § 1631.19 to read as follows:

§ 1631.19 Accounting and reporting to LSC.

A recipient must maintain an accumulative accounting of the amount of LSC funds it uses to pay for acquisition, financing, and capital improvements costs for each of its LSC-funded properties. The recipient must provide the accounting to LSC annually by no later than the date recipients are required to submit their annual audited

financial statements to LSC's Office of Inspector General.

Dated: November 3, 2026.

Stefanie Davis,

Deputy General Counsel and Ethics Officer, Legal Services Corporation.

[FR Doc. 2026–22649 Filed 11–4–26; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[SB Docket No. 25–157; DA 26–973; FR ID 375524]

Modernizing Spectrum Sharing for Satellite Broadband

AGENCY: Federal Communications Commission.

ACTION: Final action.

SUMMARY: In this document, the Space Bureau (Bureau or we) within the Federal Communications Commission (Commission) updates the initial set of geostationary (GSO) satellite network reference links adopted in the Modernizing Spectrum Sharing for Satellite Broadband Report and Order (Order). Ensuring the GSO reference links appropriately reflect typical and widespread GSO satellite operations in the United States will promote efficient spectrum sharing among today's broadband satellite systems.

DATES: Effective December 7, 2026.

FOR FURTHER INFORMATION CONTACT: Clay DeCell, 202–418–0803.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission document (Public Notice), in SB Docket No. 25–157; DA 26–973, released September 11, 2026. The full text of this document is available online at *https://docs.fcc.gov/public/attachments/DA-26-973A1.pdf.* The document is also available for inspection and copying during business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Regulatory Flexibility Analysis

The actions in the document have not changed, or proposed to change, our Final Regulatory Flexibility Analysis (FRFA), which was set forth in the Order (FCC 26–26) in Appendix C. Thus, no supplemental FRFA is necessary.

Paperwork Reduction Act

The action contained herein does not change, or propose to change, the information collection requirements subject to the Paperwork Reduction Act of 1995 (''PRA''), Public Law 104–13, contained in the Order (FCC 26–26). As a result, no new submission to the Office of Management and Budget is necessary to comply with the PRA requirements.

Congressional Review Act

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this action is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the document to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A). The Office of the Managing Director, Performance Program Management, will also send a copy of the document in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

OPEN Government Data Act

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

Synopsis

Background. On April 30, 2026, the Commission adopted the Order to update its spectrum-sharing rules for GSO and NGSO satellite systems operating in the 10.7–12.7 GHz, 17.3–18.6 GHz, and 19.7–20.2 GHz (space-to-Earth) bands. The Commission concluded that the prior NGSO–GSO sharing regime—based upon NGSO systems complying with equivalent power-flux density (EPFD) limits developed in the 1990s—was spectrally inefficient and overprotective of modern GSO networks. To better support efficient spectrum use and the competitive satellite market, the Commission adopted an alternative sharing framework, incorporating good-faith coordination and performance-based GSO protection criteria as a backstop when coordination between GSO and NGSO operators is not reached.

Specifically, as an alternative to compliance with EPFD limits in the United States, the Commission adopted a procedure whereby an NGSO applicant may either certify that it has completed a coordination agreement with any operational co-frequency GSO satellite network or submit a compatibility showing which demonstrates that it will not cause unacceptable interference to any such system with which coordination has not been completed. To perform these compatibility showings, NGSO operators will rely on a set of GSO reference links, which reflect typical GSO operations in the U.S. and the resultant impacts on GSO systems from enhanced NGSO operations. Reference links are used by NGSO operators to demonstrate compliance with the long-term and short-term interference metrics, and the operational parameters of an NGSO system must ensure that the GSO protection criteria are satisfied at every reference link. In practice, as noted in the Order, there may be one protection criterion for one reference link that is the constraining factor on the operational parameters of a given NGSO system (referred to as the ''most sensitive link''). The operational parameters required to protect this most sensitive link as the worst-case protection scenario will be the operational parameters that the NGSO system may employ when providing service anywhere in the United States. Consequently, all GSO links—regardless of whether they are included in the reference link dataset—will be protected by the operational constraints placed on NGSO systems to protect the most sensitive reference link. Indeed, the actual protection of GSO operations will often be greater than the protection levels adopted by the Commission.

The Order adopted an initial set of 328 GSO reference links that were drawn from both International Telecommunication Union data and the Commission's licensing databases and were filtered for conformance with a set of selection criteria. The Commission concluded that reasonable selection parameters for the reference links were

necessary for efficient spectrum sharing. In adopting this initial set of reference links, the Commission also noted the potential for its further refinement, and delegated authority to the Bureau to initiate a proceeding by Public Notice to remove, revise, or add appropriate GSO links.

On May 12, 2026, the Bureau sought comment on the initial set of GSO reference links, potential revisions to the dataset, and the accompanying selection criteria. The Public Notice asked for input and analysis on the dataset, including as to whether certain links or information should be added or removed from the database and on whether the selection criteria should be modified at this time. Nine comments, seven reply comments, and several ex partes were filed in response.

Discussion. Based on the record, we update the initial set of adopted GSO reference links. We also add new links proposed by GSO satellite operators, correct parameters of links already included in the dataset, and remove outdated links and links operated outside of the United States, consistent with the selection criteria used for the initial set of reference links. The updated set of GSO reference links is included in an Attachment to the document. We conclude it is premature to make broader changes to the dataset or underlying selection criteria at this time and adopt the updated dataset using the selection criteria used for the initial set of links.

First, GSO operators submitted a number of up-to-date reference links to reflect current operations that are consistent with the selection criteria used to create the initial dataset. In addition, one NGSO operator provided a set of proposed replacement reference links that it identified and selected using the Commission's licensing database for every authorized GSO operator in the 17.3–18.6 GHz and 19.7–20.2 GHz bands (Ka-band). We have reviewed these proposed links and agree that they are reasonably representative of a variety of widespread GSO operations in the United States and appropriate for inclusion in the dataset.

Second, further review of the initial set of reference links shows that certain links either reflect operations outside the United States, are unassociated with any current operator or operations serving the United States or were submitted for GSO networks that never began operations or ceased operations over a decade ago. We remove these legacy reference links considering the updated links from GSO operators that we add to the dataset. We also remove links for GSO operators that are either redundant or superseded by up-to-date links provided by those operators in the record.

Third, we modify certain link parameters in the initial dataset that now appear to be either non-representative of typical operations or otherwise inaccurate. Specifically, commenters in response to the Public Notice point out several non-ACM links in the initial dataset with unusually high carrier-to-noise (C/N) levels of up to 18 dB. DIRECTV, one of the most widespread users of non-ACM links, states that such high C/N thresholds ''are not reflective of non-ACM operations.'' SpaceX proposes to apply a maximum unavailability C/N for non-ACM links of 9.5 dB, which DIRECTV supports for broadcasting-satellite service user links as consistent with its existing operations and network design. SpaceX further notes that of the 40 new non-ACM user terminal links submitted by GSO operators in response to the Public Notice, only three have unavailability C/N thresholds exceeding 9.5 dB, each of which appears to originate from a satellite that has surpassed its design lifespan. SES, which submitted the new high C/N links, argues that some of its GSO media distribution services rely on non-ACM links designed to achieve high availability levels and use an unavailability C/N threshold of 12.6 dB to maximize link capacity. We determine that higher C/N values appear to be relative outliers on older networks, and agree with DIRECTV and SpaceX that a 9.5 dB C/N threshold is a reasonable upper bound for modern, widespread and typical non-ACM user terminal links to facilitate spectrum sharing. Accordingly we incorporate the 9.5 dB C/N threshold into the revised dataset. Separately, we also modify certain parameters of Hispasat links to reflect corrections noted on the record.

Fourth, we streamline the columns of the reference link dataset to clarify the necessary information, support coordination, and remove extraneous information not needed as input to the compatibility demonstrations.

Finally, we decline to make broader changes to the dataset or selection criteria at this time. The Commission's Order ended over two decades of overprotective and spectrally inefficient restrictions on NGSO systems for the benefit of GSO networks. The new sharing framework has yet to be implemented, but the services available to consumers across the United States from fast-growing NGSO systems will be limited by the NGSO operational parameters necessary to protect the most sensitive link in the GSO reference link dataset. Given that determining the most sensitive link depends on several factors, we are wary of modifying or reducing the selection criteria and potentially introducing edge-cases into the analysis. Further, we note specific rationales to maintain contested criteria, and that to the extent that links which are not included in the dataset are no less sensitive or constraining for a particular NGSO system, they will receive protection levels equal to or greater than the GSO protection criteria adopted by the Commission. Further, the Commission has never concluded that even a GSO link that receives less protection than the levels set in the Order would be nonviable in specific use cases. Rather, we will address future updates to the dataset and be in a better position to reassess the protection criteria after we gain experience with its implementation. We will consider in particular any real-world operational information once the new rules are effective. We reiterate that operating NGSO systems may be required to adjust their operations to protect any new GSO reference links added in the future.

Federal Communications Commission.

Jennifer Gilsenan,

Deputy Chief, Space Bureau.

[FR Doc. 2026–22600 Filed 11–4–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 03–123, 10–51, 10–213, 23–161 and WC Docket Nos. 12–375, 23–62; FCC 23–116, FCC 24–75 and FCC 24–95; FR ID 374967]

Video Relay Service Improvements; Incarcerated People's Communication Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services; Access to Video Conferencing

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget has approved new information collection requirements under OMB Control Number 3060–1089, as adopted in the Commission's Report and Orders, FCC 23–116, FCC 24–75 and FCC 24–95.

DATES: Amendatory instruction 3 (47 CFR 64.604(c)(5)(iii)(D)(*8*), (d)(1)(iii)(C),

(d)(2)(iv), and (d)(6)), published at 89 FR 20125, March 21, 2024; amendatory instruction 6 (47 CFR 64.606(g)(6)), published at 89 FR 100878, December 13, 2024; and amendatory instruction 7 (47 CFR 64.611(l)(2), (l)(3), (l)(5), (l)(6)), and amendatory instruction 15 (47 CFR 64.6040(f)), published at 89 FR 77244, September 20, 2024, are effective November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, Office of the Managing Director, Federal Communications Commission, at (202) 418–2918 or *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document announces that the Office of Management and Budget (OMB) approved the information collection requirements in 47 CFR 64.604(c)(5)(iii)(D)(*8*), (d)(1)(iii)(C), (d)(2)(iv) and (d)(6), 64.606(g)(6), 64.611(l)(2), (l)(3), (l)(5), and (l)(6), and 64.6040(f), on August 17, 2026. The Commission publishes this document as an announcement of the effective date for these amended rules.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on August 17, 2026, for the information collection requirements contained in 47 CFR 64.604(c)(5)(iii)(D)(*8*), (d)(1)(iii)(C), (d)(2)(iv) and (d)(6), 64.606(g)(6), 64.611(l)(2), (l)(3), (l)(5), and (l)(6), and 64.6040(f). Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for this information collections is 3060–1089. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1089.

Title: Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 10–51 & 03–123.

OMB Approval Date: August 17, 2026.

OMB Expiration Date: August 31, 2029.

Form Numbers: N/A.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 165,408 respondents; 1,764,771 responses.

Estimated Hours per Response: 0.05 hours (3 minutes) to 300 hours.

Frequency of Response: Annual, monthly, on occasion, on-going, one-time, and quarterly reporting requirements; Recordkeeping requirement; and Third-Party Disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the collection is contained in section 225 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act of 1990 (ADA), Public Law 101–336, 104 Stat. 327, 366–69, and amended by the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 103(a), 124 Stat. 2751, 2755 (2010) (CVAA); Public Law 111–265 (technical amendments to CVAA).

Total Annual Burden: 282,770 hours.

Total Annual Cost: $279,363.

Needs and Uses

The Telecommunications Relay Service (TRS) program enables access to the nation's telephone network by persons with hearing and speech disabilities. In 1991, as required by the Americans with Disabilities Act and codified at 47 U.S.C. 225, the Commission adopted rules governing the TRS program and procedures for each state TRS program to apply for initial Commission certification and renewal of Commission certification of each state program.

Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Report and Order and Request for Comments, document FCC 91–213, published at 56 FR 36729, August 1, 1991 (*1991 TRS Implementation Order*).

Between 2008 and 2011, to integrate internet-based TRS into the North American Numbering plan and facilitate interoperability, universal calling, and 911 emergency services, the Commission adopted rules in three separate orders related to the telephone numbering system and enhanced 911 (E911) services for users of two forms of internet-based TRS: Video Relay Service (VRS) and internet Protocol Relay service (IP Relay). *See* document FCC 08–151, *Report and Order and Further Notice of Proposed Rulemaking,* published at 73 FR 41286, July 18, 2008 *(First Numbering Order);* document FCC 08–275, *Second Report and Order and Order on Reconsideration,* published at 73 FR 79683, December 30, 2008 *(Second Numbering Order*); and document FCC 11–123, *Report and Order,* published at 76 FR 59551, September 27, 2011 *(internet-based TRS Toll Free Order*).

The rules adopted in these three orders have information collection requirements that include requiring VRS and IP Relay providers to: register each user who selects the provider as his or her default provider, including obtaining a self-certification from each user; verify the accuracy of each user's registration information; provision and maintain their registered users' routing information to the TRS Numbering Directory; place their users' Registered Location and certain callback information in Automatic Location Information (ALI) databases across the country and provide a means for their users to update their Registered Locations; include advisories on their websites and in any promotional materials addressing numbering and E911 services for VRS or IP Relay; verify in the TRS Numbering Directory whether each dial-around user is registered with another provider; and if they provide equipment to a consumer, make available to other VRS providers enough information about that equipment to enable another VRS provider selected as the consumer's default provider to perform all of the functions of a default provider.

On July 28, 2011, the Commission released *Structure and Practices of the Video Relay Service Program,* document FCC 11–118, published at 76 FR 47469, August 5, 2011, and at 76 FR 47476, August 5, 2011 (*VRS Certification Order*), adopting final and interim rules—designed to help prevent waste, fraud, and abuse, and ensure quality service, in the provision of internet-based forms of TRS. On October 17, 2011, the Commission released *Structure and Practices of the Video Relay Service Program,* Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, document FCC 11–155, published at 76 FR 67070, October 31, 2011 (*VRS Certification Reconsideration Order*), modifying two aspects of information collection requirements contained in the *VRS Certification Order.*

On June 10, 2013, the Commission made permanent the interim rules adopted in the *VRS Certification Order. Structure and Practices of the Video Relay Service Program;*

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Further Notice of Proposed Rulemaking, document FCC 13–82, published at 78 FR 40582, July 5, 2013 (*2013 VRS Reform Order*).

The *VRS Certification Order* as modified by the *VRS Certification Reconsideration Order* and, as applicable, made permanent by the *2013 VRS Reform Order,* amended the Commission's process for certifying internet-based TRS providers as eligible for payment from the Interstate TRS Fund (Fund) for their provision of internet-based TRS to ensure that internet-based TRS providers receiving certification are qualified to provide internet-based TRS in compliance with the Commission's rules and to eliminate waste, fraud and abuse through improved oversight of such providers. They contain information collection requirements including: submission of detailed information in an application for certification that shows the applicant's ability to comply with the Commission's rules; submission of annual reports that include updates to the provider's information on file with the Commission or a certification that there are no changes to the information; requirements for a senior executive of an applicant for internet-based TRS certification or an internet-based TRS provider, when submitting an annual compliance report, to certify under penalty of perjury to its accuracy and completeness; requirements for VRS providers to obtain prior authorization from the Commission for planned interruptions of service, to report to the Commission unforeseen interruptions of service, and to provide notification of temporary service outages, including updates, to consumers on their websites; and requirements for internet-based TRS providers that will no longer be providing service to give their customers at least 30-days notice.

In the *2013 VRS Reform Order,* the Commission adopted further measures to improve the structure, efficiency, and quality of the VRS program, reducing the noted inefficiencies in the program, as well as reducing the risk of waste, fraud, and abuse, and ensuring that the program makes full use of advances in commercially-available technology. The Commission required reporting of unauthorized and unnecessary us of VRS; established a central TRS user registration database (TRS–URD) for VRS, which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, as well as per-call validation, to achieve more effective prevention of waste, fraud, and abuse; established procedures to prevent unauthorized changes of a user's default TRS provider; and established procedures to protect TRS users' customer proprietary network information (CPNI) from disclosure.

On March 23, 2017, the Commission released *Structure and Practices of the Video Relay Services Program et al.,* FCC 17–26, published at 82 FR 17754, April 13, 2017, (*2017 VRS Improvements Order*), which among other things, allows VRS providers to assign TRS Numbering Directory 10-digit telephone numbers to hearing individuals for the limited purpose of making point-to-point video calls, and gives VRS providers the option to participate in an at-home call handling pilot program, subject to certain limitations, as well as recordkeeping and reporting requirements.

On May 15, 2019, the Commission released *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* FCC 19–39, published at 84 FR 26364, June 6, 2019 (*2019 VRS Program Management Order*). The Commission further improved the structure, efficiency, and quality of the VRS program, reduced the risk of waste, fraud, and abuse, and ensured that the program makes full use of advances in commercially-available technology. These improvements include information collection requirements, including: the establishment of procedures to register enterprise and public videophones to the TRS–URD; and permitting Qualified Direct Video Calling (DVC) Entities to access the TRS Numbering Directory and establishing an application procedure to authorize such access, including rules governing DVC entities and entry of information in the TRS Numbering Directory and the TRS–URD.

On August 2, 2019, the Commission released *Implementing Kari's Law and Section 506 of RAY BAUM's Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules,* FCC 19–76, published at 84 FR 66716, December 5, 2019 (*MLTS 911 and Dispatchable Location Order*). The Commission amended its rules to ensure that the dispatchable location is conveyed to a Public Safety Answering Point (PSAP) with a 911 call, regardless of the technological platform used. Based on the directive in section 506 of RAY BAUM'S Act, the Commission adopted dispatchable location requirements that in effect modified the existing information collection requirements applicable to VRS, IP Relay and covered internet Protocol captioned telephone service (IP CTS) by improving the options for providing accurate location information to PSAPs as part of 911 calls.

Fixed internet-based TRS devices must provide automated dispatchable location. For non-fixed devices, when dispatchable location is not technically feasible, internet-based TRS providers may fall back to Registered Location or provide alternative location information. As a last resort, internet-based providers may route calls to Emergency Relay Calling Centers after making a good faith effort to obtain location data from all available alternative location sources. Dispatchable location means a location delivered to the PSAP with a 911 call that consists of the validated street address of the calling party, plus additional information such as suite, apartment or similar information necessary to adequately identify the location of the calling party. Automated dispatchable location means automatic generation of dispatchable location. Alternative location information is location information (which may be coordinate-based) sufficient to identify the caller's civic address and approximate in-building location, including floor level, in large buildings.

On January 31, 2020, the Commission released *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* FCC 20–7, published at 85 FR 27309, May 8, 2020 (*VRS At-Home Call Handling Order*). The Commission amended its rules to convert the VRS at-home call handling pilot program into a permanent one, thereby allowing CAs to work from home. To ensure user privacy and call confidentiality and to help prevent waste, fraud, and abuse, the modified information collections include requirements for VRS providers to apply for certification to allow their communications assistants to handle calls while working at home; monitoring and oversight requirements; and reporting requirements.

On June 30, 2022, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of internet Protocol Captioned*

Telephone Service, FCC 22–51, published at 87 FR 57645, September 21, 2022 (*Registration Grace Period Order*). To offer more efficient service to VRS and IP CTS users without risk of waste, fraud, and abuse to the TRS Fund, the Commission amended its rules to allow VRS and IP CTS providers to provide compensable service to a new user for up to two weeks after submitting the user's information to the TRS URD if the user's identity is verified within that period.

On September 30, 2022, the Commission released *Rates for Interstate Inmate Calling Services,* FCC 22–76, published at 87 FR 75496, December 9, 2022 (*Accessible Carceral Communications Order*). To improve access to communications services for incarcerated people with communications disabilities, the Commission adopted modifications to the user registration and verification requirements for use of internet-based TRS in correctional facilities.

On December 20, 2023, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Petition for Rulemaking and Limited Waiver of Convo Communications, LLC,* FCC 23–116, published at 89 FR 20125, March 21, 2024 (*2023 VRS Improvements Order*), To promote improvement in the efficacy and quality of relay services supported by the TRS Fund or Fund, the Commission modified several VRS rules relating to communications assistants (CAs) working at home, the use of contractors for VRS interpreting, and the use of VRS by registered users when traveling abroad.

On July 18, 2024, the Commission released the *Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services,* FCC 24–75, published at 89 FR 77244, September 20, 2024 (*2024 Accessible Carceral Communications Order*). To ensure the accessibility of communications service for incarcerated people, the Commission amended the carceral facility enterprise registration rules to allow for IP CTS and IP Relay enterprise registration and align those new requirements with the requirement for VRS enterprise registration and combining the requirements into a single paragraph section of the rules. Enterprise registration helps ensure that only eligible users are making use of the service, prevent waste, fraud, and abuse, protect the integrity of the TRS Fund, and ensure the continued provision of TRS.

On September 27, 2024, the Commission released *Access to Video Conferencing; Implementation of Sections 716 and 717 of the Communications Act of 1934, as enabled by the Twenty-First Century Communications and Video Accessibility Act of 2010; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition of Sorenson Communications, LLC for Limited Waiver of the Privacy Screen Rule,* FCC 24–95, published at 89 FR 100878, December 13, 2024 (*2024 IVCS Order*). The Commission required VRS provider that integrate VRS in video conference to provide in its annual report, a detailed explanation of the instructions and training provided to CAs on implementation of the requirements for integrating VRS in video conferences and identifying the requesting VRS users.

The records maintained by VRS providers and records submitted to FCC and the TRS Fund administrator by these providers are used to ensure that VRS providers have adopted and are adhering to the safeguards that are required to protect against waste, fraud, and abuse.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–22601 Filed 11–4–26; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 91, No. 213
Thursday, November 5, 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 39

[Docket No. FAA–2026–13799; Project Identifier MCAI–2026–00336–A]

RIN 2120–AA64

Airworthiness Directives; Costruzioni Aeronautiche Tecnam S.P.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Costruzioni Aeronautiche Tecnam S.P.A. (Tecnam) Model P2006T airplanes. This proposed AD was prompted by a report of damage on the engine mount structure caused by defective non-conforming engine shock mounts being installed. This proposed AD would require inspecting for the installation of non-conforming engine shock mounts and replacing any non-conforming engine shock mount with an approved part. This proposed AD would also prohibit installation of a non-conforming engine shock mount on any airplane. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by December 21, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–91, West Building Fifth Floor, Room W58–213, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–13799; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Tecnam material identified in this proposed AD, contact Costruzioni Aeronautiche Tecnam S.P.A., Via Maiorise, Capua, Italy, 81043; phone: +39 0823 622297; email: *technical.support@tecnam.com;* website: *tecnam.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1100 Main, Kansas City, MO 64015. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: *joseph.catanzaro@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–13799; Project Identifier MCAI–2026–00336–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

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 Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0071, dated March 31, 2026 (EASA AD 2026–0071) (also referred to as the MCAI), to correct an unsafe condition on Tecnam Model P2006T and P2006T NG airplanes. The MCAI states that a report of damage on the engine mount structure was caused by non-conforming defective engine shock mounts being installed. The unsafe condition, if not addressed, could result in the engine disconnecting from the airplane structure and loss of control of the airplane. The MCAI requires inspecting for the installation of non-conforming engine shock mounts and replacing any non-conforming engine shock mount with an approved part and prohibits the installation of a non-conforming engine shock mount on any airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–13799.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Tecnam Service Bulletin SB 969–CS–Ed. 3, Rev. 1, dated

April 3, 2026 (Tecnam SB 969–CS–Ed. 3, Rev. 1). This material specifies procedures to inspect and identify non-conforming engine shock mounts having part number CONO21–BS and batch number 49–24 or 11–25. Tecnam SB 969–CS–Ed. 3, Rev. 1 also includes a detailed visual inspection for each engine-mount tubular structure associated with any engine on which a non-conforming shock mount is detected.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except as discussed under ''Differences Between this Proposed AD and the MCAI.'' This proposed AD would also require an installation prohibition.

Differences Between This Proposed AD and the MCAI

The MCAI applies to Model P2006T NG, whereas this AD does not because it does not have an FAA type certificate.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 131 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
Inspect engines ..	1.5 work-hours × $85 per hour = $127 (per engine).	$0 (per engine)	$127.50 (per engine) ...	$16,702.50 (per engine).

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed 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
Replace shock mounts (4 per engine)	2 work-hours × $85 per hour = $170 (per engine)	$520 (4 per engine)	$690 (4 per engine).
Replace engine mounts	8 work-hours × $85 per hour = $680 (per engine)	$2,980 (per engine)	$3,660 (per engine).

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify 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:

Costruzioni Aeronautiche Tecnam S.P.A.: Docket No. FAA–2026–13799; Project Identifier MCAI–2026–00336–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 21, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Costruzioni Aeronautiche Tecnam S.P.A. (Tecnam) Model P2006T airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 7120, Engine Mount Section.

(e) Unsafe Condition

This AD was prompted by a report of damage on the engine mount structure caused by non-conforming defective engine shock mounts. The FAA is issuing this AD to detect and address non-conforming engine shock mounts. The unsafe condition, if not addressed, could result in the engine disconnecting from the airplane structure and loss of 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) The ''affected part'' is the non-conforming engine shock mount having part number (P/N) CONO21–BS and batch number 49–24 or 11–25.

(2) The ''serviceable part'' is an engine shock mount that is not an affected part.

(3) ''Group 1'' airplanes are those having an affected part installed.

(4) ''Group 2'' airplanes are those that are not in Group 1.

(h) Required Actions

For Group 1 airplanes, do the following:

(1) Within 25 hours time-in-service (TIS) or 30 days, whichever occurs first after the effective date of this AD, for each engine installed with an affected part, replace the engine shock mounts with serviceable parts in accordance with the instructions in Steps 1 through 6 in Appendix A, Accomplishment Instructions of Tecnam Service Bulletin SB 969–CS–Ed. 3 Rev. 1, dated April 3, 2026 (Tecnam SB 969–CS–Ed. 3 Rev. 1).

(2) Concurrently with the replacement as required by paragraph (h)(1) of this AD, accomplish a detailed inspection of that affected engine mount structure in accordance with the instructions of Step 7 in Appendix A, Accomplishment Instructions of Tecnam SB 969–CS–Ed. 3 Rev. 1.

(3) If, during the inspection as required by paragraph (h)(2) of this AD, any deficiency identified as ''not acceptable'' in Tecnam SB 969–CS–Ed. 3 Rev. 1 is detected on an engine mount, before next flight, replace that engine mount in accordance with the instructions of Steps 6 and 7 in Appendix A, Accomplishment Instructions of Tecnam SB 969–CS–Ed. 3 Rev. 1.

(i) Installation Prohibition

For Group 1 and Group 2 airplanes: As of the effective date of this AD, do not install an affected engine shock mount on any airplane.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Tecnam Service Bulletin SB 969–CS–Ed. 3 Rev. 0, dated January 27, 2026.

(k) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (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 Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: *joseph.catanzaro@faa.gov.*

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

(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) Tecnam Service Bulletin SB 969–CS–Ed. 3 Rev. 1, dated April 3, 2026.

(ii) [Reserved]

(3) For Tecnam material identified in this AD, contact Costruzioni Aeronautiche Tecnam S.p.A., Via Maiorise, Capua, Italy, 81043; phone: +39 0823 622297; email: *technical.support@tecnam.com;* website: tecnam.com.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1100 Main, Kansas City, MO 64015. 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 November 2, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–22564 Filed 11–4–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–13800; Project Identifier MCAI–2025–01663–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This proposed AD was prompted by reports of damage to the YZ-axis attachment points on airplanes equipped with certain overhead stowage compartments (OHSC) bins. Investigations showed that bushings, retainer rings, and pins had migrated from their original positions. This proposed AD would require a one-time inspection for discrepancies of affected OHSC bins and, depending on findings, accomplishment of applicable corrective actions. This proposed AD would also prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 21, 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–2026–13800; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–13800.

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

FOR FURTHER INFORMATION CONTACT: Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: *taylor.stanley@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–2026–13800; Project Identifier MCAI–2025–01663–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: *taylor.stanley@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0248, dated November 6, 2025 (EASA AD 2025–0248) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that during in-service operations, several A320 family airplanes equipped with OHSC bins from the supplier ARIES showed signs of damage to the YZ-axis attachment points. Investigations revealed that bushings (also called bearings), retainer rings, and pins had migrated from their original positions, possibly due to axial loading and/or improper maintenance during bin removal or reinstallation. The unsafe condition, if not addressed, could affect the structural integrity of the OHSC under emergency landing loads, which could lead to OHSC detachment, possibly resulting in injury to airplane occupants and/or blocking of an escape path during an emergency evacuation.

The FAA is proposing this AD to address the unsafe condition of these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–13800.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0248 specifies procedures for conducting a one-time general visual inspection (GVI) of the OHSC housing side attachment on the left-hand and right-hand sides for any discrepancies (corrosion or damage on the pin or bushing, or any loose, migrated, damaged, or missing bushing or retainer, or any bushing bedding damage or ovalization) and, depending on findings, accomplishment of applicable corrective actions. Corrective actions include conducting a special detailed inspection (SDI) of the bushing bedding condition for damage and ovalization measurement, repairing the OHSC housing side attachment and installing the retained or new pin, and contacting the manufacturer for repair instructions and doing the repair. EASA AD 2025–0248 also specifies reporting the results of the inspections (including no findings) to the manufacturer. EASA AD 2025–0248 also prohibits the installation of affected parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0248 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0248 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0248 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0248 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0248. Material required by EASA AD 2025–0248 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–13800 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,370 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 5 work-hours × $85 per hour = $425	$0	Up to $425	Up to $582,250.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 6 work-hours × $85 per hour = $510	Up to $770	Up to $1,280.

The FAA has received no definitive data on which to base the cost estimates for the repair instructions obtained from the manufacturer specified in this proposed AD.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–13800; Project Identifier MCAI–2025–01663–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 21, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0248, dated November 6, 2025 (EASA AD 2025–0248).

(1) Model A318–111, and –112 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of damage to the YZ-axis attachment points on airplanes equipped with certain overhead stowage compartments (OHSC) bins. Investigations showed that bushings, retainer rings, and pins had migrated from their original positions. The FAA is issuing this AD to address bushings, retainer rings, and pins migration. The unsafe condition, if not addressed, could affect the structural integrity of the OHSC under emergency landing loads, which could lead to OHSC detachment, possibly resulting in injury to airplane occupants and/or blocking of an escape path during an emergency evacuation.

(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 2025–0248.

(h) Exceptions to EASA AD 2025–0248

(1) Where EASA AD 2025–0248 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0248 defines a serviceable part as ''OHSC eligible for installation in accordance with Airbus instructions, that is not an affected part.'', for this AD replace that text with ''OHSC eligible for installation, that is not an affected part.''.

(3) Where paragraph (2) of EASA AD 2025–0248 specifies ''any discrepancy, as identified in the SB'', for this AD replace that text with ''any corrosion or damage on the pin or bushing, or any loose, migrated, damaged, or missing bushing or retainer, or any bushing bedding damage or ovalization''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0248.

(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 Taylor Stanley, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 407–852–7677; email: *taylor.stanley@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 2025–0248, dated November 6, 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 November 2, 2026.

Brian Knaup,

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

[FR Doc. 2026–22587 Filed 11–4–26; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 1

[File No. R707001]

Petition for Rulemaking of New Hope Now

AGENCY: Federal Trade Commission.

ACTION: Receipt of petition; request for comment.

SUMMARY: Please take notice that the Federal Trade Commission (''Commission'') received a petition for rulemaking from New Hope Now and has published that petition online at *https://www.regulations.gov*. The Commission invites written comments concerning the petition. Publication of this petition is pursuant to the Commission's Rules of Practice and Procedure and does not affect the legal status of the petition or its final disposition.

DATES: Comments must identify the petition docket number and be filed by December 7, 2026.

ADDRESSES: You may view the petition, identified by docket number FTC–2026–1783, and submit written comments concerning its merits by using the Federal eRulemaking Portal at *https://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit sensitive or confidential information. You may read background documents or comments received at *https://www.regulations.gov* at any time.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary (phone: 202–326–2514, email: *ElectronicFilings@ftc.gov*), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 18(a)(1)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(1)(B), and FTC Rule 1.31(f), 16 CFR 1.31(f), notice is hereby given that the above-captioned petition has been filed with the Secretary of the Commission and placed on the public record for a period of 30 days. Any person may submit comments in support of or opposition to the petition. All timely and responsive comments submitted in connection with this petition will become part of the public record.

This petition requests the issuance of rules concerning origin disclosures regarding nonhuman flesh products and byproducts. The Commission will not consider the petition's merits until after the comment period closes. It may grant or deny the petition in whole or in part, and it may deem the petition insufficient to warrant commencement of a rulemaking proceeding. The purpose of this document is to facilitate public comment on the petition to aid the Commission in determining what, if any, action to take regarding the request contained in the petition. This document is not intended to start, stop, cancel, or otherwise affect rulemaking proceedings in any way.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2).

(Authority: 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 601 note.)

April J. Tabor,

Secretary.

[FR Doc. 2026–22581 Filed 11–4–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1162]

RIN 1625–AA00

Safety Zone; FRL Inaugural Invitational eFoil Exhibition Race, Miami Marine Stadium Basin, Miami, FL; Correction

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Coast Guard is correcting the comment submission deadline in its notice of proposed rulemaking published October 19, 2026, proposing to establish a temporary safety zone for the FRL Inaugural Invitational eFoil Exhibition Race in the Miami Marine Stadium Basin, Miami, Florida. The proposed safety zone would be enforced on November 15, 2026. This correction shortens the comment period so the Coast Guard may consider timely submitted comments before determining whether to issue a final rule in advance of the event.

DATES: The comment deadline published October 19, 2026, at 91 FR 66033, is corrected. Comments and related material must be received by the Coast Guard on or before November 6, 2026.

ADDRESSES: To submit comments and view documents mentioned in this notice, go to *https://www.regulations.gov* and search for docket number USCG–2026–1162.

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

SUPPLEMENTARY INFORMATION:

Correction

In the notice of proposed rulemaking (NPRM) published October 19, 2026, at 91 FR 66033, in the **DATES** section, the Coast Guard stated that comments and related material must be received on or before November 18, 2026.

The proposed safety zone is intended to be enforced from 8 a.m. until 9 p.m. on November 15, 2026. Because the original comment deadline falls after the proposed enforcement period, the Coast Guard is correcting the deadline to November 6, 2026. This revised deadline provides interested persons an opportunity to comment while allowing the Coast Guard sufficient time to review timely submitted comments and determine whether a final rule is necessary before the scheduled event.

The Coast Guard has received a comment on the NPRM and will consider that comment, along with any other timely submitted comments, before taking further action. Comments submitted after the revised deadline may be considered to the extent practicable.

Public Participation and Request for Comments

We encourage you to submit comments through the Federal Decision-Making Portal at *https://www.regulations.gov.* To submit comments, go to *https://www.regulations.gov,* enter USCG–2026–1162 in the search box, and click ''Search.'' Locate this document in the search results and click the ''Comment'' option. If you cannot submit material using *https://www.regulations.gov,* contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We will consider all comments and material received by the revised comment deadline. Please include the docket number for this rulemaking, identify the specific section of the proposed rule to which each comment applies, and provide a reason for each suggestion or recommendation.

C.J. Barger,

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

[FR Doc. 2026–22614 Filed 11–4–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 75

[Docket ID ED–2026–OS–3169]

Proposed Priorities and Definitions—Secretary's Supplemental Priorities and Definitions

AGENCY: U.S. Department of Education.

ACTION: Proposed priorities and definitions.

SUMMARY: The Secretary proposes to amend the Notice of Final Priorities and Definitions—Secretary's Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States published in the **Federal Register** on September 9, 2025, the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Meaningful Learning Opportunities

published in the **Federal Register** on February 12, 2026, the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Career Pathways and Workforce Readiness published in the **Federal Register** on April 13, 2026, and the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education published in the **Federal Register** on April 13, 2026. The proposed amendments are needed to ensure that the U.S. Department of Education (ED, or the Department) has priorities that represent the full spectrum of learners, reflect the expertise of the Federal agencies that are active partners in our mission, and incorporate lessons learned from implementation in FY 2026 grant competitions.

DATES: We must receive your comments on or before December 7, 2026.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *Regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for more details.

FOR FURTHER INFORMATION CONTACT: Zachary Rogers, U.S. Department of Education, 500 D Street SW, Room [insert], Washington, DC 20024. Telephone: (202) 260–1144. Email: *SSP@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding the proposed amendments to the priorities and definitions. ED welcomes public comments on the parts and definitions that are new or would be amended through this notice. The Department will respond to comments within the scope of this notice, including comments related to new or proposed changes. Comments regarding provisions of the final priorities and definitions that the Department does not propose to change, or on the Department's interagency agreements, will not be addressed. Comments must be submitted via the Federal eRulemaking Portal at *Regulations.gov*. However, if you require an accommodation or cannot otherwise submit your comments via *Regulations.gov*, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. ED will not accept comments by fax or by email, or comments submitted after the comment period closes. To ensure that ED does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to *www.Regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQ.'' Also included on *Regulations.gov* is a commenter checklist that addresses how to submit effective comments.

In instances where individual submissions appear to be duplicates or near duplicates of comments prepared as part of a writing campaign, ED may choose to post to *Regulations.gov* one representative sample comment along with the total comment count for that campaign. ED will consider these comments along with all other comments received. In instances where individual submissions are bundled together (submitted as a single document or packaged together), ED will post all of the substantive comments included in the submissions along with the total comment count for that document or package to *Regulations.gov*. Comments containing personal threats will not be posted to *Regulations.gov* and may be referred to the appropriate authorities.

During and after the comment period, you may inspect public comments about the proposed priority and definitions by accessing *Regulations.gov*. To inspect comments in person, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Privacy Note: ED's policy is to generally make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *Regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this document. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Program Authority: 20 U.S.C. 1221e–3, 3474, 6301 *et seq.,* 5 U.S.C. 311 *et seq.*

Background

The Secretary proposes to amend the Notice of Final Priorities and Definitions—Secretary's Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States published in the **Federal Register** on September 9, 2025 (90 FR 43514), the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Meaningful Learning Opportunities published in the **Federal Register** on February 12, 2026 (91 FR 6625), the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Career Pathways and Workforce Readiness published in the **Federal Register** on April 13, 2026 (91 FR 18780), and the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education published in the **Federal Register** on April 13, 2026 (91 FR 18774).

To date, ED has announced partnerships with six agencies designed to reduce federal education bureaucracy, improve the efficient delivery of federally funded programs and activities to better support students and families, and move closer to fulfilling the President's promise to return education to the states. The new partnerships with the Departments of Labor (DOL), Interior (DOI), Health and Human Services (HHS), State, Justice (DOJ), and Treasury have brought new thinking to the ED's grant programs. These partner agencies bring extensive experience in topics such as education choice scholarships, workforce readiness and career pathways, including Registered Apprenticeships and talent marketplaces; and Tribal self-determination. We are proposing amendments to the Secretary's Supplemental Priorities and Definitions as discussed in this notice to ensure our programs reflect the expertise our partner agencies offer, ensuring students are better positioned for success throughout their education journey and prepared to successfully enter, navigate, and advance in the workforce.

Additionally, after more than a year of visiting schools and communities across the country, hearing directly from students, educators, school leaders, State, Tribal and local officials, and other stakeholders about effective practices and emerging needs, and gaining practical experience implementing the existing Secretary's Supplemental Priorities and Definitions, ED has identified opportunities to

strengthen and refine the priorities. This experience has provided valuable insight into how the existing priorities operate in practice, where additional clarity or emphasis may be warranted, and where new or evolving policy areas should be addressed. Accordingly, ED has identified new topics for inclusion and aspects of the existing priorities and definitions that warrant revision to ensure that future implementation efforts reflect lessons learned, respond to developments in the education and workforce landscape, and remain closely aligned with the Administration's priorities.

Proposed Changes

We discuss the proposed changes to the priorities and definitions under the final notices to which they pertain. Generally, we do not address proposed changes that are technical or otherwise minor in effect.

Proposed Changes From Artificial Intelligence (AI) to Super Intelligence (SI)

Current Priorities and Definitions: We finalized definitions of artificial intelligence (AI) and AI literacy in the Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education.

Proposed Priorities and Definitions: We propose, with limited exceptions described in the next paragraph, to use the term ''Super Intelligence'' to replace ''Artificial Intelligence'' and use ''SI'' to replace ''AI'' in every use of the terms. This includes the following changes:

(1) proposing to rename the title of the notice from the ''Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education'' to the ''Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Advancing Super Intelligence in Education.''

(2) proposing to rename the title of the final priority from ''Advancing Artificial Intelligence in Education'' to ''Advancing Super Intelligence in Education.''

(3) proposing to rename the definition of ''Artificial Intelligence (AI)'' to ''Super Intelligence (SI).''

(4) proposing to rename the definition of ''AI literacy'' to ''SI literacy.''

The exceptions to replacing ''Artificial Intelligence'' with ''Super Intelligence'' are in the definition of SI and in the title of the following document: ''Department of Labor's Artificial Intelligence Literacy Framework.'' The definition of SI includes reference to ''artificial intelligence'' therefore, we will continue to use ''artificial intelligence'' when referring to the definition of SI. Later in this notice we propose to add reference to a DOL document in the newly titled Priority on Advancing Super Intelligence in Education, and we describe our proposal and our reasons for doing so. This document and all references to it, will retain the title of ''Department of Labor's Artificial Intelligence Literacy Framework.''

For the newly titled SI definition, we propose to adopt the definition of SI included in President Trump's Executive Order (E.O.) 14344 ''Inaugurating the Era of Super Intelligence,'' dated September 29, 2026, which says that SI means the technologies and systems encompassed by the term ''artificial intelligence'' as defined 15 U.S.C. 9401(3). The newly titled SI literacy definition would be revised to incorporate the importance of understanding how SI works and how to use SI tools effectively and responsibly.

Finally, we propose to add the definitions of SI and SI literacy to all uses of the terms in the Secretary's Supplemental Priorities on Evidence-Based Literacy, Educational Choice, and Returning Education to the States, the Secretary's Supplemental Priority on Meaningful Learning Opportunities, and the Secretary's Supplemental Priority on Career Pathways and Workforce Readiness.

Reasons: On September 29, 2026, the President issued E.O. 14434 (91 FR 63129) directing executive departments and agencies to replace the terms ''Artificial Intelligence'' and ''AI'' with ''Super Intelligence'' and ''SI'' in official correspondence, public communications, policy documents, and other non-statutory documents. E.O. 14344 explains that this terminology is intended to reflect the continuously advancing technological frontier and the expanding capabilities and applications of these technologies. Consistent with this direction, the Department proposes to update the terms used throughout the priorities and definitions by replacing references to ''Artificial Intelligence'' and ''AI'' with ''Super Intelligence'' and ''SI,'' as discussed previously. These revisions align the priority with current Federal terminology and the Administration's direction for executive branch agencies while maintaining the substantive focus of the priority on preparing students and educators to understand, use, and benefit from these rapidly advancing technologies.

We also propose to adopt the definition of Super Intelligence from E.O. 14344. We believe this definition, as specified in E.O. 14344, is most appropriate because this definition provides terminology for implementing these priorities unless and until it is superseded by subsequent Presidential action consistent with applicable law or by an Act of Congress.

Consistent with this discussion, we propose to rename the definition of ''AI literacy'' to ''SI literacy'' and to revise the definition. The current definition of AI literacy means technical knowledge, durable skills, civic awareness, and future ready attitudes, including AI related ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity, required to thrive in a world influenced by AI. The definition also indicates that AI literacy enables learners to engage, create with, manage, and design AI, while critically evaluating its benefits, risks, and implications. In addition to replacing ''AI'' with ''SI'', we propose to add to the definition the importance of understanding how SI works and how to use SI tools effectively and responsibly. We believe the amendment improves the clarity of the SI literacy definition and is necessary for promoting the appropriate integration of SI into education.

We propose to add the definitions of ''SI'' and ''SI literacy'' across all uses of the terms in the four notices proposed for revision in this proposed rule. Using common terminology and definitions across all of the supplemental priorities will help ensure consistency in understanding and implementation in ED's grant programs.

Proposed Changes to the Notice of Final Priorities and Definitions—Secretary's Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States (90 FR 43514)

Changes to Priority Text

Current Priority: Part (a) of the Expanding Education Choice priority focuses on increasing access to public charter schools and other innovative school models, including charter schools that have specific focus areas.

Proposed Priority: We propose to revise part (a) to include technical, trade, and vocational schools in addition to public charter schools and other innovative school models; revise part (a)(i)(1) to expand the focus area on science, technology, engineering, and mathematics (STEM) to include super intelligence (SI), SI literacy, and cybersecurity; and revise part (a)(i)(2) to qualify that career and technical education includes programs that integrate pre-apprenticeship and Registered Apprenticeship pathways.

Reasons: We propose to add technical, trade, and vocational schools to part (a) to emphasize these programs as important education and training options for students and families. Additionally, these options will help achieve our goal of ensuring that we prioritize access to demand-driven career pathways and workforce preparedness. We propose to add explicit reference to SI, SI literacy, and cybersecurity to part (a)(i)(1) to affirm these as important topics within STEM. And, we propose in part (a)(i)(2) to emphasize programs integrating pre-apprenticeships and Registered Apprenticeships pathways as valuable career and technical education choice options that are aligned with employer needs.

Current Priority: Part (a)(iii) promotes projects that provide technical assistance to relevant parties about the establishment and operation of charter schools, including navigating State and local statutes and regulations. Part (f)(ii) promotes projects that provide families with assistance in understanding State and local requirements for homeschooling.

Proposed Priority: We propose to revise (a)(iii) such that the provision of technical assistance includes support navigating Tribal statutes and regulations. And, we propose to redesignate (f)(i) and (ii) to be (g)(i) and (ii), and to revise the newly-designated (g)(ii) to include assistance with understanding Tribal requirements for homeschooling.

Reasons: We propose these changes to ensure that the technical assistance contemplated by the priority fully reflects the range of legal and regulatory frameworks that may apply to charter schools and home-based education programs. As initially drafted, the priority expressly contemplated assistance with navigating applicable requirements but did not specifically identify Tribal statutes, regulations, or homeschooling requirements. Upon further review, we determined that expressly including Tribal requirements would provide greater clarity and ensure that the priority appropriately accounts for circumstances in which Tribal law or requirements may be relevant. Explicitly recognizing these requirements alongside other applicable legal and regulatory frameworks will help ensure that the technical assistance available under the priority is sufficiently comprehensive and responsive to the different jurisdictions and communities in which these educational options may operate.

Current Priority: Part (c) of the Expanding Education Choice priority is specific to supporting dissemination of information related to school choice options.

Proposed Priority: We are proposing to broaden part (c) to include two subparts. The current part (c) would be redesignated as (c)(ii). The newly proposed (c)(i) would encourage projects that provide technical assistance for education services available to students through scholarships supported by the about the Education Freedom Tax Credit (EFTC). We are proposing to revise the stem for part (c) to focus on the advancement and implementation of education choice options broadly.

Reasons: The Department proposes to expand this priority to support the effective implementation of education choice initiatives, including the new EFTC. Providing technical assistance about education services available to students through scholarships supported by the EFTC will help ensure that eligible participants understand the opportunities available under the tax credit and how to access and implement these options. Broadening this priority will also allow the Department to support projects that strengthen the infrastructure necessary to expand educational freedom, empower families to make informed decisions, and increase access to education options that best meet students' individual needs.

Current Priority: The current Expanding Education Choice priority does not include options for specific supports for student parents; talent marketplaces for postsecondary enrollment; or children and youth in foster care or kinship care, or their caregivers.

Proposed Priority: We propose to add three new parts to the Expanding Education Choice priority and redesignate the current parts as appropriate. Newly designated part (f) would focus on expanding access to childcare and other supports for student-parents. A second part, newly designated part (j), would focus on expanding access to talent marketplaces and other best practices for postsecondary enrollment to include pre-apprenticeships and Registered Apprenticeships. A third part, newly designated part (o), would focus on children and youth in foster care or kinship care, or their caregivers, by promoting projects that improve educational stability and academic outcomes, supporting caregiver engagement in the education of children in their care, and expanding access to supports across the education spectrum from early childhood to postsecondary. Additionally, we propose to redesignate the other parts of this priority to conform with the proposed additions described above.

Reasons: We propose to amend this priority to ensure that students and families have access to a broader range of educational pathways and supports that allow them to pursue an education aligned with their unique needs, circumstances, and career goals. These additions reflect feedback from our Federal partners at HHS and DOL, whose expertise and experience administering programs serving children, families, workers, and other populations helped identify additional ways in which the priority could more fully reflect the range of choices and supports that contribute to educational access and success.

In particular, HHS highlighted the importance of recognizing that meaningful education choice may depend on whether students and families can access the supports necessary to take advantage of those opportunities. This includes access to child care and other supports for student parents, as well as educational stability, caregiver engagement, and coordinated supports for children and youth in foster or kinship care. Incorporating these areas recognizes that students' individual circumstances can affect their ability to access and persist in educational opportunities and provides greater flexibility for ED, where consistent with applicable program authorities, to support projects that address those circumstances across the education continuum.

DOL similarly brought its expertise in workforce development and career-connected learning to identify opportunities to broaden the priority's treatment of postsecondary choice. In particular, DOL highlighted pre-apprenticeships and Registered Apprenticeships as additional pathways that can expand the range of high-quality postsecondary education and training options available to students. Including these pathways alongside talent marketplaces and approaches to postsecondary enrollment better reflects effective tools that connect jobseekers with employers and the variety of routes students may pursue to acquire skills, credentials, and experience that support their education and career goals. Taken together, these changes strengthen the priority by recognizing that expanding education choice involves not only increasing the number or type of educational options available, but also helping students and families access and successfully navigate those options. Drawing on the specialized expertise of

HHS and DOL allows ED to more comprehensively reflect the range of educational pathways and supports that may help students pursue opportunities best suited to their individual needs and goals.

Current Priority: Part (f) of the Returning Education to the States priority includes an option for projects or proposals that are carried out by entities identified, designated, or endorsed by a Governor or a chief State education official.

Proposed Priority: We propose to amend part (f) to include projects or proposals that are carried out by entities identified, designated, or endorsed by an Indian Tribe's highest ranking elected official.

Reasons: In the current priority, we included Tribes, Tribal organizations and Tribal education agencies in the list of eligible entities (*i.e.,* part (g)) and noted ED's ability to preference support for Tribes using this part of the priority. However, in our use of part (f) in an FY 2026 grant competition we received questions about endorsements from Tribes. After considering the priority in light of these questions, we determined that it would be beneficial to add an Indian Tribe's highest ranking elected official to the existing parties (*i.e.,* Governor and chief State education official) in part (f). This proposed addition further recognizes the sovereignty of Tribal nations and importance of an applicant being identified, designated, or endorsed by a Tribe's highest ranking elected official for projects or proposals that will be carried out to support Native American children, youth, and families.

Changes to Definitions

Current Definitions: The current set of definitions finalized with the Secretary's Supplemental Priorities on Evidence-Based Literacy, Educational Choice, and Returning Education to the States does not include definitions of SI, SI literacy, talent marketplaces, pre-apprenticeship or Registered Apprenticeship.

Proposed Definitions: We propose to add definitions of SI, SI literacy, talent marketplaces, pre-apprenticeship, and Registered Apprenticeship.

Reasons: We propose to add definitions of these terms to support the revised priorities proposed in this notice. The new definitions would apply to all uses of these terms in the Secretary's Supplemental Priorities on Evidence-Based Literacy, Educational Choice, and Returning Education to the States.

See our previous discussion about the terms SI and SI literacy for more information about the basis of these definitions.

We propose to add a definition of talent marketplace. The proposed definition is the same definition used in the Secretary's Supplemental Priority and Definitions on Career Pathways and Workforce Readiness published in the **Federal Register** on April 13, 2026. Using consistent definitions across all of the Secretary's Supplemental Priorities provides greater clarity for the public, reduces the potential for confusion or conflicting interpretations, and allows applicants and other stakeholders to operate from a common understanding of established terms.

We propose to add definitions of pre-apprenticeship and Registered Apprenticeship. The proposed definition of pre-apprenticeship is drawn from the Workforce Innovation and Opportunity Act (WIOA) Final Rule (81 FR 56072 codified in 20 CFR 681.480) and informed by DOL's *Framework for Effective Pre-Apprenticeships* in Training and Employment Notice No. 05–26. The proposed definition of Registered Apprenticeship is drawn from the National Apprenticeship Act (29 U.S.C. Chapter 4C) and 29 CFR parts 29 and 30. Where possible, using consistent definitions across the Federal government provides greater clarity for the public, reduces the potential for confusion or conflicting interpretations across Federal programs, and allows applicants and other stakeholders to operate from a common understanding of established terms. Given ED's close partnership with DOL, as well as DOL's role in administering the national Registered Apprenticeship system, aligning with the existing Federal definitions of pre-apprenticeship and Registered Apprenticeship promotes consistency across agencies and ensures that references to pre-apprenticeship and Registered Apprenticeship have the same meaning across Federal education and workforce programs.

Proposed Changes to the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Meaningful Learning Opportunities (91 FR 6625)

Current Priority: Part (a)(i) of the priority focuses on strengthening core instruction through improving mathematics instruction. Part (a)(i) currently includes seven parts.

Proposed Priority: We propose to add a new part (a)(i)(6) focused on aligning mathematics instruction with critical workplace math skills and real-world applications identified through engagement with national or regional employers, and re-number the current part (a)(i)(6) and succeeding parts in this paragraph.

Reasons: We propose to add this part based on feedback from our partners at DOL, which highlighted the importance of strengthening the connection between mathematics instruction and the mathematical skills students will need to succeed in the workforce. DOL's workforce expertise underscored the value of ensuring that students have opportunities to understand how mathematical concepts are applied in real-world workplace settings and across a range of career pathways.

While the current priority already emphasizes evidence-based mathematics instruction and improved student achievement, we determined that it would be beneficial to more explicitly connect those academic foundations to workforce readiness. By encouraging engagement with national or regional employers to identify critical workplace mathematics skills and real-world applications, this addition will help ensure that mathematics instruction can both build strong academic foundations and demonstrate the relevance of those skills to future education, training, and employment opportunities. The revision therefore strengthens the connection between mathematics achievement and career preparation and better reflects the role that strong mathematics skills can play in preparing students for high-skill, high-wage, or in-demand occupations.

Current Priority: The priority currently includes two parts focused on high-quality instructional materials (HQIM) in one or more specified subject areas: part (a)(ii) of the priority focuses on providing or expanding access to HQIM and part (a)(iii) focuses on providing or expanding access to training on implementing HQIM. Part (a)(iii) currently includes three parts.

Proposed Priority: We propose to amend part (a)(ii)(1) and (a)(iii)(1) to expand the focus areas on STEM to include SI and cybersecurity. We also propose to add a new part (a)(ii)(2) and (a)(iii)(2) to include career and technical education programs of study, including programs integrating pre-apprenticeship and Registered Apprenticeship pathways, and to re-number the current (a)(ii)(2) and (a)(iii)(2) and succeeding parts in those paragraphs.

Reasons: We are adding explicit references to SI and cybersecurity to emphasize these as critical components of STEM education and to incentivize the development and availability of HQIM in these subject areas. As SI becomes increasingly integrated across education, the workplace, and daily life,

students need access to high-quality instructional content that supports the development of foundational SI knowledge and skills and prepares them to engage with these technologies effectively. The added focus on cybersecurity reflects the importance of ensuring students have access to the high-quality instruction needed to meet evolving cybersecurity demands.

Additionally, we propose to include career and technical education programs of study under the HQIM paragraph to promote opportunities to strengthen the quality and rigor of these critical programs. This addition reflects, in particular, feedback from our partners at DOL, whose expertise in workforce development, apprenticeship, and career-connected learning led them to underscore the importance of ensuring that students participating in Career and Technical Education (CTE) have access to high-quality instructional content that prepares them for both continued education and employment. DOL also highlighted the value of creating stronger connections between classroom instruction and the skills students will need to succeed in the workplace, including through pre-apprenticeship and Registered Apprenticeship pathways.

Expanding the priority's focus on HQIM to expressly include CTE programs of study recognizes that high-quality instructional materials are important not only in traditional academic subjects, but also in career-connected learning. CTE programs increasingly integrate rigorous academic content, technical knowledge, hands-on learning, and preparation for industry-recognized credentials and further education and training. Specifically including these programs would encourage the development, adoption, and use of high-quality materials that strengthen the instructional foundation of CTE, better connect academic and technical learning, and help ensure that students are prepared to successfully transition from education into additional training, Registered Apprenticeship, or employment.

Together, these additions reflect feedback from our Federal partners and broaden the HQIM provision to better account for emerging instructional needs and the range of educational pathways through which students develop the knowledge and skills necessary for future success.

Current Priority: Part (a)(v) focuses on creating and supporting implementation of strategic staffing models to incentivize educators and best leverage staffing in innovative ways to support student learning and achievement.

Proposed Priority: We propose to amend part (a)(v) to expand the focus area on models for teacher and paraprofessional advancement to include Registered Apprenticeships.

Reasons: We propose this change to explicitly promote Registered Apprenticeships as an innovative model for teacher and paraprofessional preparation and advancement. Feedback from our partners at DOL, drawing on expertise in apprenticeship and workforce development, highlighted the value of these structured, work-based pathways. Explicitly including Registered Apprenticeships would encourage approaches that combine related instruction with paid, on-the-job learning and create additional pathways for individuals to enter and advance in the education profession.

Current Priority: Part (a) of the priority is focused on strengthening core instruction in several areas.

Proposed Priority: We propose to add a new focus designated as part (a)(vii). This new proposed part will support professional development and technical assistance for local school board members and superintendents to improve student academic outcomes by establishing measurable outcome goals, using academic data to monitor progress, and incorporating regular monitoring of outcomes into local governance practices.

Reasons: The decisions that local school board members and superintendents make about budgets, staffing, programs, and priorities have a significant impact on student academic outcomes. We propose to add this new focus on professional development and technical assistance to support them in their work and equip them with the knowledge and skills to interpret and use data about student academic outcomes.

Current Priority: The current priority does not include text specific to student attendance and engagement.

Proposed Priority: We propose to add a new part (f) focused on supporting students and families by implementing strategies to improve student attendance and engagement.

Reasons: We propose this change to promote grant projects that address the critical challenge of student absenteeism and improve student attendance and engagement through approaches that support students and families. Feedback from our partners at HHS, drawing on their expertise serving children and families, reinforced the importance of addressing barriers that may contribute to absenteeism and disengagement. Explicitly including this focus in the priority will provide greater flexibility to support strategies that strengthen students' connection to school and help ensure they are present and engaged in learning.

Current Priority: The current priority does not include text specific to building State and local capacity to strengthen governance with a focus on student outcomes.

Proposed Priority: We propose to add a new part (g) that will focus on building State and local capacity to strengthen governance, including supporting locally elected school boards and superintendents in establishing and monitoring measurable academic outcomes.

Reasons: Consistent with the previously mentioned proposed addition regarding professional development and technical assistance for local school board members and superintendents, we propose new part (g) to emphasize the need for building State and local capacity as it relates to governance centered around student outcomes. New part (g) will enable ED to leverage States to carry out this important work with the local leaders who govern their school systems.

Changes to Definitions

Current Definitions: The current set of definitions finalized with the Secretary's Supplemental Priority on Meaningful Learning Opportunities does not include definitions of SI, pre-apprenticeship or Registered Apprenticeship.

Proposed Definitions: We propose to add definitions of SI, pre-apprenticeship, and Registered Apprenticeship.

Reasons: We propose to add definitions of these terms to support the revised priority proposed in this notice. The new definitions would apply to any use of these terms in the priority. Please see the earlier discussions of ED's rationale for proposing these specific definitions of SI, pre-apprenticeship, and Registered Apprenticeship.

Proposed Changes to the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Career Pathways and Workforce Readiness (91 FR 18780)

Current Priority: The current Career Pathways and Workforce Readiness priority addresses the key components of the career pathway continuum, with each component articulated as a distinct area of focus.

Proposed Priority: We propose to add a new part (a) focused on the integration of activities across the full career pathway continuum to include a description of how the proposed

activities will be aligned to support students, workers, and jobseekers in accessing high-quality career pathways leading to high-skill, high-wage, or in-demand occupations.

Reasons: Based on feedback from DOL, we identified an opportunity to build on the priority's existing focus on the key components of the career pathway continuum by more explicitly encouraging that those activities be intentionally connected and mutually reinforcing. This addition reflects DOL's workforce development expertise and emphasizes stronger alignment and transitions among education, training, and employment opportunities to support students, workers, and jobseekers as they progress toward high-skill, high-wage, or in-demand occupations.

Current Priority: Part (a) supports workforce development programs aligned with State priorities and provides a comprehensive list of the activities that support those programs may include, such as alignment of workforce activities across State agencies, identifying credentials, providing support for trades and work-based learning opportunities and supporting pre-apprenticeships.

Proposed Priority: We propose to redesignate the current part (a) to part (b) consistent with the proposed addition to this priority described immediately above. We propose to revise newly designated part (b) overall to expand (b)(i) to include the coordination of activities with local entities that support workforce development; add a new part (b)(ii) that focuses on coordinating activities with Tribal workforce priorities and with Tribes that support workforce development; and redesignating the proposed part (b)(ii) and succeeding paragraphs in this priority. In newly designated (b)(iii) (current part (a)(ii)) we propose to include a focus on aligning workforce activities among Tribes and local entities. We also propose to revise the text in the parenthetical to clarify that the examples are of entities that support workforce development, and we have added ''career exploration'' to the list of examples.

Reasons: We propose these changes based on feedback from our Federal partners at DOL and DOI and their respective expertise in workforce development and Tribal education and workforce priorities. Feedback from DOL highlighted opportunities to strengthen coordination among State and local entities that support workforce development and to more expressly recognize career exploration as part of a comprehensive approach to preparing individuals for career pathways. Feedback from DOI identified opportunities to more expressly recognize Tribal workforce priorities and the role of Tribes and Tribal organizations in supporting workforce development. Together, these changes build on the priority's existing comprehensive approach by strengthening coordination across State, local, and Tribal workforce systems and better reflecting the range of entities that contribute to workforce development.

Current Priority: Part (a)(iii) focuses on activities that support States in identifying in-demand and high value industry-recognized credentials and re-evaluating existing lists of credentials, and part (a)(vi) focuses on promoting the attainment of those same postsecondary credentials.

Proposed Priority: We propose to redesignate these parts to (b)(iv) and (b)(vii) respectively, consistent with the proposed additions to this priority described previously. We propose to amend newly designated (b)(iv) and (b)(vii) to remove the modifiers of ''in-demand and high-value'' and instead use ''high-quality'' to describe the credentials that States should be identifying. Additionally, within newly designated (b)(iv), we propose to add the evaluation of credentials as an activity that would support States, expand settings in which such credentials may be identified, and support alignment of credentials across State education and workforce systems. In carrying out these activities, States would consider the Department of Labor's Training and Employment Notice (TEN) 04–26 as a resource for identifying approaches to evaluating and aligning credentials. We also propose to add aligning education and training programs with the high-quality industry-recognized credential identified.

Reasons: Informed by feedback from DOL based on its expertise in workforce development and credential quality, we propose these changes to more clearly and consistently describe the credentials addressed by the priority. The changes also strengthen alignment with credentials already identified through State workforce systems and education and training programs, while recognizing the importance of evaluating credential quality and promoting greater consistency across education and workforce systems.

Current Priority: Part (a)(v) focuses on the development of industry-led sector partnerships.

Proposed Priority: We propose to redesignate this part to (b)(vi). In newly designated (b)(vi), we include development and expansion of partnerships with specific roles being laid out for employers to identify the in-demand skills and competencies, validate education and training models and credentials, and modify training based on hiring needs.

Reasons: Based on feedback from DOL and its expertise in workforce development and industry-led sector partnerships, we identified an opportunity to build on the existing priority by supporting not only the development of new partnerships, but also the expansion of effective existing partnerships. We also propose to more clearly articulate the role of employers within these partnerships, including identifying in-demand skills and competencies, validating education and training models and credentials, and informing modifications to training based on hiring needs. These changes strengthen the connection between education and training programs and evolving workforce needs and help ensure that industry partnerships are meaningfully informed by employers.

Current Priority: Current part (a)(viii) focuses on strategies to expand the availability of pre-apprenticeships and Registered Apprenticeships, including supporting apprenticeship intermediaries, Registered Apprenticeships for in-school and out-of-school youth, and providing technical assistance for states to advance these strategies.

Proposed Priority: We propose to redesignate (a)(viii) to (b)(ix). Within the newly designated (b)(ix) we propose several revisions and additions. We propose to revise (b)(ix)(1) to clarify that we are referring to Registered Apprenticeships, and we propose to amend (b)(ix)(2) to include the expansion of pre-apprenticeships. Newly designated (b)(ix)(3) proposes to include the expansion of Registered Apprenticeship opportunities and proposes to add ''adult learners'' to the individuals who are identified as the beneficiaries of the apprenticeships described in this subpart. We propose to add a new part, (b)(ix)(4), to promote strategies to improve participant access, retention, completion, credential attainment, and employment outcomes for learners of all ages and redesignate the existing (b)(ix)(4) as (b)(ix)(5). Additionally, we propose to add (b)(ix)(6) to incorporate developing or strengthening partnerships among employers, labor-management organizations, industry associations, education and training providers, Registered Apprenticeship sponsorship, workforce development boards,

community-based organizations, and other partners to support the design, implementation, and scaling of Registered Apprenticeship programs; and we propose to add (b)(ix)(7) to promote the alignment of pre-apprenticeship and Registered Apprenticeship programs with industry-recognized credentials, postsecondary credit, career pathways, and supportive services to improve participant access, completion, and employment outcomes.

Reasons: Based on feedback from DOL and its expertise in Registered Apprenticeship and workforce development, we identified opportunities to strengthen the priority's existing focus on pre-apprenticeships and Registered Apprenticeships by more expressly supporting the expansion of these opportunities and the partnerships necessary to sustain and scale them. These changes emphasize the importance of pre-apprenticeship programs that provide clear pathways into Registered Apprenticeship programs or other high-quality industry-recognized opportunities and strengthen alignment with established standards and practices in the field. The proposed changes to (b)(ix)(3) and the proposed addition of (b)(ix)(4) are intended to promote strategies for participant success for learners of all ages. The proposed changes also recognize the importance of expanding access to these opportunities for adult learners, including individuals seeking to enter or reenter the workforce, transition to new careers, or develop additional skills to advance in their current fields. By expressly including adult learners, the priority better reflects the role of pre-apprenticeships and Registered Apprenticeships in supporting lifelong learning, workforce participation, and economic mobility. The additions of (b)(ix)(6) and (b)(ix)(7) also recognize that successful apprenticeship pathways rely on intentional coordination among employers, labor-management organizations, industry associations, education and training providers, workforce development boards, community-based organizations, and other partners. More explicitly incorporating these partners and aligning apprenticeship opportunities with credentials, postsecondary credit, career pathways, and supportive services can strengthen the continuum from preparation and training to completion and employment.

Current Priority: Part (a)(vii) discusses the provision of work-based learning opportunities and examples of such opportunities in which a student would receive wages or credit.

Proposed Priority: We propose to redesignate this part to (b)(viii) consistent with the proposed additions to this priority described previously. We propose to specify that the opportunities should be qualified by being high-skill, high-wage or within an in-demand industry sector or occupation.

Reasons: Based on feedback from DOL, informed by its expertise in workforce development and labor market needs, we propose these changes to strengthen the connection between work-based learning and meaningful employment opportunities. Emphasizing opportunities in high-skill, high-wage, or in-demand industry sectors or occupations would help ensure that work-based learning provides students with relevant workplace experience and skills that support successful transitions into employment and continued career advancement.

Current Priority: Part (b) of the Career Pathways and Workforce readiness priority is focused on the need for awareness of the range of postsecondary educational and career options.

Proposed Priority: We propose to redesignate this part to part (c) consistent with the proposed additions to this priority described previously. And, we propose to amend the language in part (c) to include career and college navigation, coaching, and supportive services to promote greater awareness of the range of postsecondary educational and career options, including employment outcomes and earnings, of the students that pursue each of these options.

Reasons: Based on feedback from DOL and its expertise in workforce development and career pathways, we identified an opportunity to build on the priority's existing focus on awareness of postsecondary education and career options by more clearly identifying the types of navigation, coaching, exploration, advising, and support that can help students understand and pursue those options. DOL's feedback also highlighted the value of providing students with information about employment outcomes, including earnings, to strengthen the connection between education and career decision-making and help students make informed choices about pathways that lead to education, training, and employment opportunities.

Current Priority: The current priority does not include a specific mention of support for workforce-readiness activities and in identifying those activities in the field.

Proposed Priority: We propose to add a part (d) to support workforce readiness activities, including employability skills, digital literacy, SI literacy, financial literacy, resume and interview preparation, job search assistance, workplace expectations, decision-making skills, and other skills needed to obtain and retain employment in high-skill, high-wage, or in-demand occupations.

Reasons: Based on feedback from DOL and its expertise in preparing individuals to enter and succeed in the workforce, we identified an opportunity to more expressly recognize workforce-readiness activities within the priority. While the priority already addresses a range of activities that connect education and training to employment, this addition more clearly reflects the foundational skills and supports that can help individuals successfully obtain and retain employment. Specifically identifying activities such as employability skills, digital and financial literacy, SI literacy, job-search preparation, understanding workplace expectations, and decision-making skills also strengthens alignment between ED's career pathways efforts and workforce development practices in the field and demonstrates readiness for work in an SI-driven economy.

Current Priority: Part (e)(iii)(2) focuses on creating targeted pathways for instructional assistants, paraprofessionals, substitute teachers, and other such positions, and allowing them to earn credentials.

Proposed Priority: We propose to redesignate this part to (g)(iii)(2) consistent with the proposed additions to this priority described previously. We propose to include language at the end of this part that includes Registered Apprenticeship programs as a specific type of pathway.

Reasons: Based on consultation with DOL and its expertise in Registered Apprenticeship programs, we identified an opportunity to more explicitly recognize Registered Apprenticeships as a pathway for instructional assistants, paraprofessionals, substitute teachers, and individuals in similar positions to earn credentials and advance within the education profession. This addition highlights the applicability of the Registered Apprenticeship model within the education workforce and provides greater specificity regarding how the pathways already contemplated under the priority may be implemented.

Current Priority: The priority did not address alignment of Registered Apprenticeship programs with education preparation programs, State certification or licensure requirements.

It also did not address supports, including mentoring and coaching.

Proposed Priority: We propose adding a new part (g)(iii)(6) and a part (g)(iii)(7). Proposed part (g)(iii)(6) would incorporate supporting articulation, credit transfer, or other alignment between educator Registered Apprenticeship programs, educator preparation programs, and State certification or licensure requirements. Proposed part (g)(iii)(7) incorporates developing or expanding supports for apprentices in educator Registered Apprenticeship programs, such as mentoring, coaching, academic support, exam preparation, or other services that support completion and certification.

Reasons: Based on consultation with DOL and its expertise in Registered Apprenticeship programs, we identified opportunities to strengthen the priority's support for successful educator Registered Apprenticeships. In particular, DOL's feedback highlighted the importance of connecting Registered Apprenticeship programs with educator preparation programs and State certification or licensure requirements, as well as providing apprentices with supports that facilitate successful completion. Proposed parts (6) and (7) more expressly recognize these elements by supporting alignment and articulation across programs and requirements and by identifying mentoring, coaching, academic support, exam preparation, and other services that can help apprentices progress through the pathway, complete their program, and obtain the credentials necessary to enter the profession.

Changes to Definitions

Current Definitions: The current set of definitions finalized with the Secretary's Supplemental Priority on Career Pathways and Workforce Readiness does not include definitions of pre-apprenticeship, Registered Apprenticeship, SI, or SI literacy.

Proposed Definitions: We propose to add definitions of pre-apprenticeship, Registered Apprenticeship, SI, and SI literacy.

Reasons: We propose to add definitions of these terms to support the revised priority proposed in this notice. The new definitions would apply to all uses of the terms in the Secretary's Supplemental Priority on Career Pathways and Workforce Readiness. Please see the earlier discussion of ED's rationale for proposing these definitions of pre-apprenticeship and Registered Apprenticeship.

See our previous discussions about the terms pre-apprenticeship, Registered Apprenticeship, SI, and SI literacy for more information about the basis of these definitions.

Current Definition: The definition of Learning and Employment Record (LER) finalized with the Secretary's Supplemental Priority on Career Pathways and Workforce Readiness does not include any descriptors for operationalizing the definition. Additionally, the definition of Skills-Based Job Description Generator incorrectly repeats the definition of Learning and Employment Record.

Proposed Definition: We are proposing to revise the definition of Learning and Employment Record to include these necessary descriptors, and we are proposing a new definition of Skills-Based Job Description Generator that correctly reflects our intended definition.

Reasons: The revised definitions of Learning and Employment Record and Skills-Based Job Description generator describe these terms as more than a digital tool and explain more thoroughly the meaning and essence of each.

Proposed Changes to the Notice of Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education (91 FR 18774)

Current Priority: Part (a)(vii) is focused on partnering with State educational agencies or local educational agencies in the offering of dual-enrollment course opportunities.

Proposed Priority: We propose to amend subpart (vii) of part (a) to include Tribal education agencies and Tribal organizations (as defined in 20 U.S.C. 7452(b)(3) and 25 U.S.C. 5304(l) respectively) along with State education agencies and local educational agencies.

Reasons: We propose this change to ensure that the priority appropriately recognizes the role of Tribal education agencies and Tribal organizations in expanding access to dual-enrollment opportunities. In considering feedback from Federal partners at DOI, including their expertise in Tribal education, and through Tribal consultation on grants-related issues, we identified an opportunity to more expressly reflect Tribal organizations throughout the priorities. Adding Tribal education agencies and Tribal organizations to this provision clarifies that partnerships to expand dual-enrollment opportunities may include these entities and better reflects the range of education partners that can support students' access to postsecondary coursework and pathways.

Current Priority: The priority includes two parts, (a) and (b). Part (a) provides 11 subparts, (i) through (xi), that speak to the expansion of the understanding of AI in education.

Proposed Priority: In addition to the earlier discussion about proposed changes to the terms and definitions of SI and SI literacy, we propose adding a subpart (viii) to part (a) that addresses partnering with employers or industry associations to develop educational materials and training programs that provide industry or occupational specific SI literacy and further SI skills development. Additionally, we propose to redesignate the current subpart (viii) and succeeding subparts of part (a) to conform with the numbering of this proposed subpart.

Reasons: We propose this addition based on feedback received through our continued partnership with DOL. Drawing on its expertise in workforce development and engagement with employers and industry, DOL identified an opportunity to strengthen the priority by more explicitly connecting SI literacy and skills development with the needs of specific industries and occupations. This revision highlights the value of engaging employers and industry associations in developing educational materials and training programs so that students can develop SI skills relevant to evolving workplace needs. This addition also advances the goals of the President's Executive Order on *Advancing Artificial Intelligence Education for American Youth,* Exec. Order No. 14277, 90 FR 17519 (April 28, 2025), including its emphasis on equipping students with the skills necessary to use and create the next generation of AI technology and preparing them for an AI-enabled workforce.

Current Priority: There are 11 subparts under part (a). Each of the 11 subparts discusses AI literacy with one or more specific focus areas.

Proposed Priority: We propose adding a subpart (ix) to promote SI literacy efforts aligned with the five content areas and seven delivery principles outlined within the DOL's February 13, 2026 AI Literacy Framework (Notice 07–25), and redesignate the succeeding subparts accordingly. See the previous discussion for maintaining use of the term AI in reference to DOL's AI Literacy Framework.

Additionally, we propose to redesignate the current subpart (ix) and succeeding subparts of part (a) to conform with the numbering of this proposed subpart.

Reasons: We propose this addition to reflect ED's continued coordination with DOL on efforts to strengthen SI literacy and prepare learners for an increasingly SI-enabled workforce.

DOL's February 13, 2026 AI Literacy Framework (Notice 07–25) provides a common structure for SI literacy through five content areas and seven delivery principles that can help connect education and workforce preparation. Referencing the Framework in this priority will promote greater alignment across Federal SI literacy efforts and provide applicants with a useful framework for designing activities that build relevant SI knowledge and skills, while preserving flexibility in how those activities are implemented.

Current Priority: There are 11 subparts in part (b). Each of the subparts supports a specific focus area or population.

Proposed Priority: We propose adding a new subpart (b)(iv) that would support SI projects that are designed for all students, and redesignating the succeeding paragraphs as appropriate.

Reasons: Through consultation with our Federal partners, we identified the value of maintaining specific focus areas while also providing a broader option that can be applied across programs and student populations, where appropriate. While the existing subparts identify important populations and areas of focus, SI-related projects may also present opportunities that are not limited to a particular population or educational context. Adding this subpart would provide greater flexibility to support innovative SI projects designed to benefit all students, while retaining the more targeted focus areas for programs where those approaches are most appropriate.

Current Priority: The current part (b) does not explicitly name evidence-building around SI in education and does not address developing and disseminating evidence-informed frameworks, tools, or models for integrating SI into education.

Proposed Priority: We propose adding two new subparts, (b)(xii) and (b)(xiii) to support evidence-building for projects advancing SI in education, and to support developing and disseminating evidence-informed frameworks, tools, and models for integrating SI into education.

Reasons: Based on ED's experience implementing this priority during FY 2026, we identified additional opportunities to expand the types of SI in education projects that may be supported. In particular, implementation highlighted the value of supporting projects that build the evidence base on whether and how SI-enabled approaches improve student outcomes or other relevant outcomes, consistent with applicable statutory and regulatory standards for evidence. We also identified an opportunity to support the development and dissemination of evidence-informed frameworks, tools, and models that can help students, teachers, educators, administrators, and service providers apply emerging evidence when integrating SI into education. These additions would expand the priority to support both the development of evidence and its translation into practical resources for educational settings.

Current Priority: Part (b)(xi) focuses on using technology to improve program outcomes.

Proposed Priority: We propose to redesignate this part to (b)(xiv). Additionally, we propose to amend (b)(xiv) by adding a rigorous and specific deployment of the technology in teaching methods or student supports.

Reasons: The existing language provides broad flexibility to support the use of technology to improve program outcomes. We propose this amendment to provide greater specificity regarding the use of SI in teaching methods and student supports and to emphasize rigorous and purposeful deployment. As SI becomes increasingly relevant in educational settings, this additional specificity will help focus projects on well-designed applications of SI that are responsive to identified needs and support improved program and student outcomes.

Changes to Definitions

See our previous discussion regarding the changes to the definitions for this priority.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Definitions

Final Priorities and Definitions: ED will announce the final priorities and definitions in a document in the **Federal Register**. We will determine the final priorities and definitions after considering responses to the proposed priorities and definitions and other information available to ED. This document does not preclude us from proposing or amending additional priorities, requirements, or definitions, subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use any of the final priorities and definitions, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 14192

Regulatory Impact Analysis

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866. Since this regulatory action is not a significant regulatory action under section 3(f) of Executive Order 12866, it is not considered an ''Executive Order regulatory action.''

We have also reviewed this proposed regulatory action under Executive Order 13563. We are issuing the proposed priorities and definitions only on a reasoned determination that their benefits would justify their minimal costs. ED believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, ED has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined are necessary for administering ED's programs and activities.

Discussion of Costs and Benefits

The proposed priorities and definitions would impose no or minimal costs on entities that receive discretionary grant award funds from ED. Additionally, the benefits of

implementing the proposed priorities and definitions outweigh any associated costs, to the extent these de minimis costs even exist, because the proposed priorities and definitions would result in higher quality grant application submissions.

Application submission and participation in competitive grant programs that might use these proposed priorities and definitions is voluntary. We believe, based on ED's administrative experience, that entities preparing an application would not need to expend more resources than they otherwise would have in the absence of these proposed priorities and definitions. Therefore, any potential costs to applicants would be *de minimis.* Moreover, because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants that earn a grant award, including small entities. We invite the public to comment on this discussion of estimated costs and benefits. We are specifically interested in high-quality comments supported with quantitative data.

Intergovernmental Review: This action is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification: This section considers the effects that the final regulations may have on small entities in the educational sector as required by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Secretary certifies that this proposed regulatory action would not have a substantial economic impact on a substantial number of small entities.

The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

Paperwork Reduction Act: The proposed priorities and definitions do not contain information collection requirements or affect the currently approved data collection.

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

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

This document of the U.S. Department of Education was signed on November 3, 2026, by Linda E. McMahon, U.S. Secretary of Education. That document with the original signature and date is maintained by the U.S. Department of Education. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned has been authorized to sign the document in electronic format for publication, as an official document of the U.S. Department of Education. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Tracey St. Pierre,

Director, Office of the Executive Secretariat, Office of the Secretary, U.S. Department of Education.

For the reasons discussed in this notice, the Secretary proposes to amend the Notice of Final Priorities and Definitions-Secretary's Supplemental Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States published on September 9, 2025 (90 FR 43514) to read as follows:

Proposed Priority: Promoting Evidence-Based Literacy

Proposed Priority: Projects or proposals to do one or more of the following:

(a) Advance, increase, or expand evidence-based literacy instruction (as defined in this notice).

(b) Focus on evidence-based literacy instruction (as defined in this notice).

Proposed Priority: Expanding Education Choice

Proposed Priority: Projects or proposals that will do one or more of the following:

(a) Increase access to public charter schools; technical, trade, or vocational schools; and other innovative school models, such as public laboratory schools, magnet schools, public microschools, course-based choice, or regional academies, which may include one or more of the following:

(i) Efforts to expand or replicate existing charter schools that have a record of improving students' academic achievement or have a specific focus on one or more of the following:

(1) Science, technology, engineering, and mathematics (STEM), including computer science, super intelligence (SI), SI literacy, or cybersecurity.

(2) Career and technical education, including programs integrating pre-apprenticeship and Registered Apprenticeship pathways.

(3) Evidence-based literacy instruction.

(4) Serving students with disabilities.

(5) Patriotic education.

(6) Classical education.

(ii) Multi-year plans to create new charter schools.

(iii) Providing technical assistance to States, charter school authorizers, new or existing charter schools, or other relevant parties that support charter schools related to authorization, operation, construction, or other relevant areas, including navigating State, local, and Tribal statutes and regulations.

(iv) Opening opportunities for new or existing charter schools to access resources that are currently only available to, or primarily accessed by, district schools in their area.

(b) Expand access to K–12 school options through open enrollment or course-based choice.

(c) Support the advancement and implementation of education choice options for students through one or more of the following:

(i) Technical assistance for families to support their knowledge and understanding of education services available to students through scholarships supported by the Education Freedom Tax Credit.

(ii) Dissemination of information about private school enrollment, education savings accounts, tax credit scholarships, home-based learning and homeschooling, learning pods and co-ops, public charter schools, and district public schools through open enrollment or course-based choice.

(d) Support State or local development or implementation of education savings accounts.

(e) Support dissemination of information about education savings accounts.

(f) Expand access to child care and other family supports that enable

student parents to persist in and complete postsecondary education, workforce training, or Registered Apprenticeship programs.

(g) Support families in educating students through home-based education programs, which may include one or more of the following:

(i) Support for online learning communities.

(ii) Assistance with understanding of State, Tribal, and local requirements for homeschooling.

(h) Provide or expand access to dual or concurrent enrollment programs (as defined in 20 U.S.C. 7801(15)) or early college high schools (as defined in 20 U.S.C. 7801(17)) or other programs where secondary school students begin earning credit toward a postsecondary degree or industry-recognized postsecondary credential prior to high school graduation.

(i) Expand access to education services that accelerate learning such as high-impact tutoring.

(j) Expand access to talent marketplaces, and demonstrated best practices for postsecondary enrollment, including pre-apprenticeships and Registered Apprenticeships.

(k) Expand access to military schools or academies.

(l) Expand access to one or more of the following at the high school or postsecondary level:

(i) Distance education.

(ii) Competency-based or skills-based education.

(iii) Pre-apprenticeships.

(iv) Registered Apprenticeships, including apprenticeships for in-school or out-of-school youth,

(v) Work-based learning.

(vi) Shortened time-to-degree models.

(m) Expand access to part-time coursework and career preparation.

(n) Expand access to programs or coursework that lead to in-demand, industry-recognized postsecondary credentials.

(o) Serve children and youth in foster care or kinship care, or their caregivers, through one or more of the following:

(i) Improving educational stability, school transitions, and academic outcomes for children and youth in foster care or kindship care.

(ii) Supporting foster and kinship caregivers' engagement in the education of the children in their care.

(iii) Expanding access to early learning programs, student supports, or postsecondary opportunities for children and youth currently or formerly in foster care or kinship care.

Proposed Priority: Returning Education to the States

Proposed Priority: Projects or proposals that will be carried out by one or more of the following:

(a) State educational agencies (as defined in 20 U.S.C. 7801(49)).

(b) Governors.

(c) State workforce development agencies or boards.

(d) State vocational rehabilitation agencies.

(e) State higher education agencies (as defined in 20 U.S.C. 1003(22).

(f) Entities identified, designated, or endorsed by a Governor, the highest-ranking elected official of an Indian Tribe (as defined in 25 U.S.C. 5304(e)), or a chief State education official for purposes of implementing the project or proposal.

(g) An Indian Tribe (as defined in 25 U.S.C. 5304(e)), Tribal organization (as defined in 25 U.S.C. 5304(l)), or Tribal educational agency (as defined in 20 U.S.C. 7452(b)(3)).

(h) Consortia of the entities identified under this priority.

Proposed Definitions for Proposed Priorities on Promoting Evidence-Based Literacy, Expanding Education Choice, and Returning Education to the States

Computer science means the study of computers and algorithmic processes, including their principles, their hardware and software designs, theories, computational thinking, coding, analytics, applications, and super intelligence (SI).

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information. In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation to the digital world.

Computer science does not involve using computers for everyday tasks, such as browsing the internet or using tools like word processors, spreadsheets, or presentation software. Instead, it focuses on creating and developing technology, not just utilizing it.

Evidence framework means an approach to providing a determination about whether an activity, strategy, or intervention meets each aspect of the definition of strong evidence or moderate evidence (as defined in 20 U.S.C. 7801(21)(A)(i)(I–II)), as applicable.

(a) An evidence framework must include each of the following:

(i) Whether or not a study is an experimental study or quasi-experimental design study;

(ii) Whether or not a study shows a positive, statistically significant effect on student outcomes or other relevant outcomes;

(iii) Whether or not a study uses outcome measures that demonstrate validity and reliability, that do not give an unfair advantage to participants in one condition over another, and that are measured consistently for the groups or participants that are being compared;

(iv) Whether or not a study design is otherwise of high quality, including whether it minimizes factors outside the intervention that could affect student or other relevant outcomes (confounds) and whether random assignment (if used) was done with integrity; and

(v) Whether or not study implementation and analysis is appropriate, including whether groups or participants being compared demonstrate baseline equivalence on key individual and other relevant characteristics, whether differences in baseline equivalence are statistically controlled, and by considering the impact on the validity of the study of any changes to the sample over time.

(b) An evidence framework may be implemented or verified by one or more of the following:

(i) An organization with relevant expertise that has demonstrated to the Department that it has a rigorous, transparent (*i.e.,* publicly accessible) process for determining each aspect identified in (a).

(ii) By peer reviewers with statistical expertise who apply an evidence framework consistent with each aspect identified in (a) in reviewing support for an applicant's assertion that relevant information is strong evidence or moderate evidence, as applicable.

(iii) By the Department or peer reviewers with statistical expertise who affirm an applicant's assertion that relevant information is strong evidence or moderate evidence because it is supported by study ratings included in the What Works Clearinghouse in one or more of:

(1) A practice guide.

(2) An intervention report.

(3) Individual studies otherwise assessed to meet strong evidence or moderate evidence.

Evidence-based literacy instruction means literacy instruction that relates to

explicit, systematic and intentional instruction in phonological awareness, phonic decoding, oral and sign language, vocabulary, language structure, reading fluency, reading comprehension, and writing; promotes knowledge-rich materials; and is backed by one or more of the following, as supported by an evidence framework (as defined in this notice):

(a) Strong evidence, meaning an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on at least one well-designed and well-implemented experimental study (strong evidence as defined in 20 U.S.C. 7801(21)(A)(i)(I)).

(b) Moderate evidence, meaning an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on at least one well-designed and well-implemented quasi-experimental study (moderate evidence as defined in 20 U.S.C. 7801(21)(A)(i)(II)).

Note: In any discretionary grant program competition in which the definition of ''evidence-based literacy instruction'' is used as proposed, the Secretary may use the entire definition or one or more of the subparts of the definition that are most relevant for the grant program competition.

Experimental study means a study that is designed to compare outcomes between two groups (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving an activity, strategy, intervention, process, product, practice, or policy as compared with a control group that does not. Experimental studies can support claims of strong evidence. Randomized controlled trials and single-case design studies are specific types of experimental studies that meet this definition.

Pre-apprenticeship means a program designed to prepare individuals to enter and succeed in one or more Registered Apprenticeship programs, consistent with the elements of pre-apprenticeship established under 20 CFR 681.480 and informed by the U.S. Department of Labor's Framework for Effective Pre-Apprenticeships in Training and Employment Notice No. 05–26. An effective pre-apprenticeship provides direct pathways into Registered Apprenticeship programs through defined agreements with Registered Apprenticeship sponsors; industry-driven training and curriculum aligned with Registered Apprenticeship standards; hands-on, meaningful work-based learning and career exposure; access to educational and career counseling and other supportive services through broad workforce and education partnerships that leverage available resources; and strategies for tracking participant outcomes and supporting continuous program improvement.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. Cross-sectional group designs, comparative interrupted time series, difference-in-difference designs, and growth curve designs are specific types of quasi-experimental studies that meet this definition. This type of study can meet the definition of moderate evidence but not strong evidence.

Recognized postsecondary credential means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree, as defined in section 3(52) of the Workforce Innovation and Opportunity Act.

Registered Apprenticeship means an apprenticeship program that meets the national standards for apprenticeship established under 29 U.S.C. Chapter 4C (the National Apprenticeship Act) and 29 CFR parts 29 and 30 and is registered with the U.S. Department of Labor's Office of Apprenticeship or a recognized State Apprenticeship Agency. A Registered Apprenticeship combines on-the-job learning with related technical instruction, provides progressive wage increases tied to demonstrated competency, and results in a nationally recognized credential awarded upon completion.

Talent marketplace means a digital, interconnected system of technologies maintained by a State or State Workforce Agency, as defined at 29 U.S.C. 3225a(a)(8), that

(a) is publicly available;

(b) includes an integrated:

(i) Learning and Employment Record;

(ii) Credential Registry; and

(iii) Skill-Based Job Description generator;

(c) utilizes super intelligence to enable learners and jobseekers, employers, and education and training providers to transform, transcribe, and transact earned learning assertions, job descriptions, and degree and non-degree credentials into discrete competency statements; and

(d) may be curated into interoperable individual records of achievement and learning and employment recommendations.

Super intelligence (SI) means the technologies and systems encompassed by the term ''artificial intelligence'' as defined in 15 U.S.C. 9401(3).

SI Literacy means the technical knowledge, durable skills, civic awareness, and future ready attitudes, including SI related ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity, required to thrive in a world influenced by SI. It enables learners to understand how SI works; use SI tools effectively and responsibly; engage, create with, manage, and design SI, while critically evaluating its benefits, risks, and implications.

For the reasons discussed in this notice, the Secretary proposes to amend the Notice of Final Priority and Definitions-Secretary's Supplemental Priority and Definitions on Meaningful Learning Opportunities published on February 2, 2026 (91 FR 6625) to read as follows:

Proposed Priority: Meaningful Learning Opportunities

Proposed Priority: Projects or proposals that are designed to do one or more of the following:

(a) Strengthen core instruction through one or more of the following:

(i) Improving mathematics instruction to promote student achievement through one or more of the following priority areas:

(1) Assisting states in developing comprehensive statewide plans to raise mathematics achievement that align with mathematics instruction based on strong, moderate, or promising evidence (as defined in 34 CFR 77.1).

(2) Selecting, adopting, or implementing high-quality instructional materials in mathematics.

(3) Developing and implementing pathways to accelerate conceptual understanding of mathematics or advanced mathematics coursework, including strategies like automatic enrollment that encourage participation in such pathways.

(4) Developing and implementing strategies that provide opportunities for the early identification and support for students struggling with foundational and developmental mathematics concepts.

(5) Developing and implementing strategies for the identification of gifted and talented students, including strategies for students to access higher grade-level and/or advanced placement in mathematics.

(6) Aligning mathematics instruction with critical workplace math skills and

real-world applications identified through engagement with national or regional employers.

(7) Offering high-quality professional development based on strong, moderate, or promising evidence (as defined in 34 CFR 77.1) in mathematics for educators, which may include teachers, paraprofessionals, and other licensed educators or support for principals and other school leaders on managing the implementation of high-quality mathematics instruction.

(8) Integrating explicit and systematic teaching strategies, for mathematics or programming to build subject matter expertise for mathematics into preservice training for general or special education educators.

(ii) Providing or expanding access to high-quality instructional materials in one or more of the following subjects:

(1) A science, technology, engineering, or mathematics (STEM) discipline, including computer science, super intelligence (SI), or cybersecurity.

(2) Career and technical education programs of study, including programs integrating pre-apprenticeship and Registered Apprenticeship pathways.

(3) English Language Arts.

(4) Social Studies.

(iii) Providing or expanding access to training on implementing high-quality instructional materials in one or more of the following subjects:

(1) A STEM discipline, including computer science, super intelligence (SI), or cybersecurity.

(2) Career and technical education programs of study, including programs integrating pre-apprenticeship and Registered Apprenticeship pathways.

(3) English Language Arts.

(4) Social Studies.

(iv) Creating competency-based instructional models that provide timely and actionable insights for students, families, and educators.

(v) Creating and supporting principals and other school leaders in implementing strategic staffing models, instructional leadership roles, or developing models for teacher and paraprofessional advancement, including Registered Apprenticeships, that incentivize high-performing educators with opportunities and leverage their time, resources, and talent in innovative ways to better support student learning and achievement.

(vi) Planning or implementing a new school day schedule to allow more opportunities for meaningful learning.

(vii) Supporting professional development and technical assistance for local school board members and superintendents to strengthen and focus local governance on improving student academic outcomes, including:

(1) establishing measurable student academic outcome goals,

(2) understanding and using student academic data to monitor progress toward those goals, and

(3) incorporating regular monitoring of student academic outcomes into local school board meetings and governance practices.

(b) Expand high-quality interventions or accelerated learning supports for students based on strong, moderate, or promising evidence (as defined in 34 CFR 77.1) aimed at improving student outcomes through one or more of the following priority areas:

(i) Providing remedial or accelerated learning opportunities focused on individualized, differentiated, and scaffolded supports for students to access grade-level (or above grade-level) content.

(ii) Identifying and implementing strategies for delivering effective personalized supports to all students.

(iii) Supporting states in defining, implementing, or improving statewide tiered educational frameworks that meet the varied needs of students.

(iv) Implementing, expanding, or scaling high-impact tutoring programs that occur during the regular school day, are aligned with practices to accelerate student learning in literacy and mathematics, and which include innovative delivery models or approaches, that may include outcomes-based contracting, super intelligence (SI), technology-enabled platforms, or strategic partnerships and staffing.

(v) Leveraging outcomes-based contracting or grantmaking.

(c) Provide career-connected learning through one or more of the following priority areas:

(i) Providing career and academic advising and mentorship opportunities for all students.

(ii) Integrating career-connected and work-based learning into K–12 education, including approaches to help all students connect core academic instruction with real-world career skills and foster career awareness, exploration, and preparation throughout their education journey.

(iii) Supporting vocational rehabilitation for students with disabilities (pre-employment transition services and transition services).

(iv) Supporting States in developing, piloting, or scaling statewide plans for career-connected learning.

(d) Advance innovative assessment models through one or more of the following priority areas:

(i) Supporting the development, implementation, and scaling of new or innovative assessment models that accurately and fairly measure all students' learning and progress, including competency- and mastery-based assessments.

(ii) Supporting the development, implementation, and scaling of assessment models that provide timely and useful information to educators, students, and families to address student learning needs.

(iii) Encouraging the use of adaptive technologies for assessments.

(iv) Developing a clear methodology for early identification and subsequent ongoing support of students at-risk, students with disabilities, or gifted and talented students.

(v) Supporting states to re-envision state assessment systems through research activities, planning, piloting, and/or scaling new or innovative assessment models.

(e) Support families in providing meaningful at-home learning, which can include providing resources, educational materials, and access to learning platforms to support student learning needs.

(f) Support students and families by implementing strategies to improve student attendance and engagement.

(g) Build State capacity, local capacity, or State and local capacity to strengthen and focus governance on student academic outcomes, including supporting local school boards and superintendents in understanding and using data to establish and monitor measurable student academic outcomes.

Proposed Definitions for Proposed Priority on Meaningful Learning Opportunities

Computer science means the study of computers and algorithmic processes, including their principles, their hardware and software designs, theories, computational thinking, coding, analytics, applications, and super intelligence (SI).

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information. The expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation to the digital world.

Computer science does not involve using computers for everyday tasks, such as browsing the internet or using tools like word processors,

spreadsheets, or presentation software. Instead, it focuses on creating and developing technology, not just utilizing it.

High-quality instructional materials (HQIM) means evidence-based, standards-aligned, content-rich instructional tools that provide a coherent scope and sequence for grade-level academic content. HQIMs provide a full suite of resources for teachers, students, and families—including lesson plans, instructional units, embedded formative assessments to support a cohesive relationship between curriculum, instruction, and evaluation. HQIMs utilize evidence-based instructional strategies, including guidance for differentiation, enrichment, and acceleration, and provide implementation supports for educators to ensure the learning needs of all students are met. HQIMs clearly communicate the goals of leaning and criteria for success for students.

Pre-apprenticeship means a program designed to prepare individuals to enter and succeed in one or more Registered Apprenticeship programs, consistent with the elements of pre-apprenticeship established under 20 CFR 681.480 and informed by the U.S. Department of Labor's Framework for Effective Pre-Apprenticeships in Training and Employment Notice No. 05–26. An effective pre-apprenticeship provides direct pathways into Registered Apprenticeship programs through defined agreements with Registered Apprenticeship sponsors; industry-driven training and curriculum aligned with Registered Apprenticeship standards; hands-on, meaningful work-based learning and career exposure; access to educational and career counseling and other supportive services through broad workforce and education partnerships that leverage available resources; and strategies for tracking participant outcomes and supporting continuous program improvement.

Registered Apprenticeship means an apprenticeship program that meets the national standards for apprenticeship established under 29 U.S.C. Chapter 4C (the National Apprenticeship Act) and 29 CFR parts 29 and 30 and is registered with the U.S. Department of Labor's Office of Apprenticeship or a recognized State Apprenticeship Agency. A Registered Apprenticeship combines on-the-job learning with related technical instruction, provides progressive wage increases tied to demonstrated competency, and results in a nationally recognized credential awarded upon completion.

Strategic Staffing means a team-based approach to school staffing that replaces the traditional one-teacher, one-classroom model. In this model, at least two professional educators, which can include paraprofessionals and other licensed educators, share responsibility for a common roster of students during the same blocks of time in the school day. Teamed educators have differentiated roles and distributed expertise, allowing for flexible student grouping, more effective use of instructional time, and expanded career entry and advancement opportunities.

Super intelligence (SI) means the technologies and systems encompassed by the term ''artificial intelligence'' as defined in 15 U.S.C. 9401(3).

For the reasons discussed in this notice, the Secretary proposes to amend the Notice of Final Priority and Definitions-Secretary's Supplemental Priority and Definitions on Career Pathways and Workforce Readiness published on April 13, 2026 (91 FR 18780) to read as follows:

Proposed Priority: Career Pathways and Workforce Readiness

Proposed Priority: Projects or proposals that are designed to do one or more of the following:

(a) Integrate activities across the full career pathway continuum and describe how the proposed activities are aligned to support students, workers, and jobseekers in accessing high-quality career pathways leading to high-skill, high-wage, or in-demand occupations.

(b) Support workforce development programs that are aligned with State priorities. This includes one or more of the following:

(i) Coordinating activities to local workforce priorities and local entities that support workforce development.

(ii) Coordinating activities to Tribal workforce priorities and with Tribal organizations (as defined in 25 U.S.C. 5304(l)) that support workforce development.

(iii) Activities that support alignment of workforce activities across State agencies, Tribal organizations (as defined in 25 U.S.C. 5304(l)), and local entities that support workforce development (*e.g.,* such as entities that support education, higher education, workforce transformation, job and family services, career exploration, vocational rehabilitation services including pre-employment transition services and transition services).

(iv) Activities that support States in identifying or evaluating high-quality industry-recognized credentials and aligning such lists across State education and workforce systems by considering the resources and guidance described in the Department of Labor's August 27, 2026 Training and Employment Notice No. 04–26, or aligning education and training programs with the high-quality industry-recognized credentials identified.

(v) Providing support for the skilled trades.

(vi) Developing or expanding industry-led sector partnerships in which employers play a leading role in identifying in-demand skills and competencies, validating education and training models and credentials, and informing, adjusting, or delivering training aligned with current and anticipated hiring needs.

(vii) Promoting the attainment by individuals of a high-quality industry-recognized postsecondary credential.

(viii) Providing work-based learning opportunities (*e.g.,* internships, externships, pre-apprenticeships, Registered Apprenticeships, and mentorships) in high-skill, high-wage or in-demand industry sectors or occupations for which a student may receive wages and/or academic credit.

(ix) Expanding the availability of pre-apprenticeships and Registered Apprenticeships, including through dual or concurrent enrollment (as defined in 20 U.S.C. 7801(15)), by doing one or more of the following:

(1) Supporting Registered Apprenticeship intermediaries.

(2) Creating or expanding pre-apprenticeship programs.

(3) Creating or expanding Registered Apprenticeship opportunities for in-school and out-of-school youth, and adult learners.

(4) Promoting strategies to improve participant access, retention, completion, credential attainment, and employment outcomes for learners of all ages.

(5) Providing technical assistance for States to create new Registered Apprenticeships to include Registered Apprenticeships for in-school and out-of-school youth, as well as adult learners.

(6) Developing or strengthening partnerships among employers, labor-management organizations, industry associations, education and training providers, workforce development boards, community-based organizations, and other partners to support the design, implementation, and scaling of Registered Apprenticeship programs.

(7) Aligning pre-apprenticeship and Registered Apprenticeship programs with industry-recognized credentials, postsecondary credit, career pathways, and supportive services to improve

participant access, completion, and employment outcomes.

(x) Supporting the development of new high-quality, short-term programs that meet the eligibility requirements of the Workforce Pell Grants program in Section 83002(b) of the Working Families Tax Cut Act (Pub. L. 119–21), including program length requirements and alignment with high-skill, high-wage, or in-demand industry sectors or occupations, as determined by the Governor in the state where the project is located.

(xi) Supporting the expansion of high-quality, short-term programs that meet the eligibility requirements of the Workforce Pell Grants program in Section 83002(b) of the Working Families Tax Cut Act (Pub. L. 119–21), including program length requirements and alignment with high-skill, high-wage, or in-demand industry sectors or occupations, as determined by the Governor in the state where the project is located.

(c) Provide career and/or college navigation, coaching, exploration, advising, and supportive services or opportunities to promote greater awareness of the range of postsecondary educational and career options, including employment outcomes and earnings of the students that pursue each of these options.

(d) Support workforce readiness activities, including employability skills, digital literacy, SI literacy, financial literacy, resume and interview preparation, job search assistance, workplace expectations, decision-making skills, and other skills needed to obtain and retain employment in high-skill, high-wage, or in-demand occupations.

(e) Provide opportunities for students to use financial tools to compare the cost and benefits of the career options and educational pathways they are considering, including the long-term impact of taking out student loans on their financial security, including likely entry and mid-career earnings in fields selected by students as compared to entry and mid-career earnings in high-wage, high-growth, and high-demand occupations in each of the career clusters.

(f) Support the development of talent marketplaces (including credential registries, skills-based job description generators, and learning and employment records) that connect employers, students, and jobseekers by converting job descriptions and learning assertions into discrete, industry-recognized competencies.

(g) Prioritize and expand Registered Apprenticeships in education, including Registered Apprenticeships to prepare one or more of the following:

(i) Elementary educators.

(ii) Secondary educators.

(iii) Special educators, including those serving infants, toddlers, preschoolers, children, or youth with disabilities by including one or more of the following:

(1) Supporting the development and expansion of Registered Apprenticeship programs designed to lead to educator certification.

(2) Creating targeted pathways for instructional assistants, paraprofessionals, substitute teachers, career changers, and other individuals already working in educational settings to earn teaching credentials and to become certified educators while employed, including through Registered Apprenticeship programs.

(3) Aligning secondary and postsecondary educator-Registered Apprenticeship programs with State educator licensure requirements and workforce shortage areas.

(4) Providing technical assistance to school districts, educator preparation providers, institutions of higher education, and Registered Apprenticeship intermediaries to establish or expand Registered Educator Apprenticeship programs.

(5) Promoting earn-and-learn models through Registered Apprenticeships that reduce financial barriers and increase access to the teaching profession, particularly in high-need subject areas, including provision of:

(A) Paid work experience in a full-time position;

(B) A progression of wage increases; and

(C) Coursework that leads to certification, delivered to accommodate full-time work schedules.

(6) Supporting articulation, credit transfer, or other alignment between educator Registered Apprenticeship programs, educator preparation programs, and State certification or licensure requirements.

(7) Developing or expanding supports for apprentices in educator Registered Apprenticeship programs, such as mentoring, coaching, academic support, exam preparation, or other services that support completion and certification.

Proposed Definitions for Proposed Priority on Career Pathways and Workforce Readiness

Credential Registry, with respect to a component of a Talent Marketplace, means a digital repository and database, maintained by a State or State Workforce Agency, as defined at 29 U.S.C. 3225a(a)(8).

In-demand Industry Sector or Occupation, as defined in section 3(23) of the Workforce Innovation and Opportunity Act (WIOA), means (i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or (ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

Learning and Employment Record—The term ''Learning and Employment Record,'' with respect to a Talent Marketplace, means a digital tool maintained by a State or State Workforce Agency, as defined at 29 U.S.C. 3225a(a)(8) that

(a) provides self-sovereign access to an individual's learning and employment record,

(b) reduces individual learning assertions into machine readable and actionable competency statements representing the knowledge, skills, and abilities an individual has attained,

(c) is interoperable with systems of record maintained by employers and training providers, and

(d) provides the means for matching the learning assertions attained by an individual to the competency statements included within occupational job descriptions.

Pre-apprenticeship means a program designed to prepare individuals to enter and succeed in one or more Registered Apprenticeship programs, consistent with the elements of pre-apprenticeship established under 20 CFR 681.480 and informed by the U.S. Department of Labor's Framework for Effective Pre-Apprenticeships in Training and Employment Notice No. 05–26. An effective pre-apprenticeship provides direct pathways into Registered Apprenticeship programs through defined agreements with Registered Apprenticeship sponsors; industry-driven training and curriculum aligned with Registered Apprenticeship standards; hands-on, meaningful work-based learning and career exposure; access to educational and career counseling and other supportive services through broad workforce and education partnerships that leverage available resources; and strategies for tracking participant outcomes and

supporting continuous program improvement.

Registered Apprenticeship means an apprenticeship program that meets the national standards for apprenticeship established under 29 U.S.C. Chapter 4C (the National Apprenticeship Act) and 29 CFR parts 29 and 30 and is registered with the U.S. Department of Labor's Office of Apprenticeship or a recognized State Apprenticeship Agency. A Registered Apprenticeship combines on-the-job learning with related technical instruction, provides progressive wage increases tied to demonstrated competency, and results in a nationally recognized credential awarded upon completion.

Recognized Postsecondary Credential means credential consisting of an industry-recognized certificate or certification, a certificate of completion of an Registered Apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree, as defined in section 3(52) of WIOA.

Skills-Based Job Description Generator—is a digital tool, maintained by a State or a State Workforce Agency, as defined at 29 U.S.C. 3225a(a)(8) that provides a work process schedule for an occupational job description in terms of discrete competency statements that:

(a) have been identified through industry sectoral partnerships,

(b) may be customized by an individual employer, and

(c) may be matched to the individual Learning and Employment records of jobseekers to establish a suitability match for employment based on the alignment of competencies included in an occupational job description and a Learning and Employment Record.

Super intelligence (SI) means the technologies and systems encompassed by the term ''artificial intelligence'' as defined in section 9401(3) of title 15, United States Code.

Talent marketplace means a digital, interconnected system of technologies maintained by a State or State Workforce Agency, as defined at 29 U.S.C. 3225a(a)(8), that

(a) is publicly available;

(b) includes an integrated:

(i) Learning and Employment Record;

(ii) Credential Registry; and

(iii) Skill-Based Job Description generator;

(c) utilizes super intelligence to enable learners and jobseekers, employers, and education and training providers to transform, transcribe, and transact earned learning assertions, job descriptions, and degree and non-degree credentials into discrete competency statements; and

(d) may be curated into interoperable individual records of achievement and learning and employment recommendations.

Work-based learning is used in accordance with 20 U.S.C. 2302(55), to mean sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.

For the reasons discussed in this notice, the Secretary proposes to amend the Notice of Final Priority and Definitions-Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education published on April 13, 2026 (91 FR 18774) to read as follows:

Proposed Priority: Advancing Super Intelligence in Education

Proposed Priority: Projects or proposals to do one or more of the following:

(a) Expand the understanding of super intelligence through one or more of the following:

(i) Supporting the integration of SI literacy skills and concepts into teaching and learning practices to improve educational outcomes for students, including how to detect SI-generated disinformation or misinformation online.

(ii) Expanding offerings of age-appropriate SI and computer science education in K–12 education.

(iii) Expanding offerings of SI and computer science courses as part of an institution of higher education's general education and/or core curriculum.

(iv) Embedding SI and computer science into an institution of higher education's general preservice or in-service teacher professional development or teacher preparation programs.

(v) Providing professional development for educators on the integration of the fundamentals of SI into their respective subject areas.

(vi) Providing professional development in foundational computer science and SI, preparing educators to effectively teach SI in stand-alone computer science and other relevant courses, including instruction about how to use SI responsibly.

(vii) Partnering with State educational agencies, Tribal education agencies (as defined in 20 U.S.C. 7452(b)(3)), Tribal organizations (as defined in 25 U.S.C. 5304(l)), or local educational agencies to encourage the offering of dual-enrollment course opportunities to earn postsecondary credit or industry-recognized credentials in SI coursework concurrent with high school education.

(viii) Partnering with employers or industry associations to develop education materials and training programs that provide industry or occupational specific SI Literacy and further SI skills development.

(ix) Promoting SI literacy efforts aligned with the five content areas and seven delivery principles outlined within the Department of Labor's February 13, 2026 Artificial Intelligence Literacy Framework (Notice 07–25).

(x) Creating opportunities for high school students through the development or expansion of SI courses and career-relevant, in-demand certification programs;

(xi) Supporting dissemination of appropriate methods of integrating SI into education.

(xii) Building evidence of appropriate methods of integrating SI into education.

(xiii) Providing support and training to educators on age-appropriate SI education methodologies that emphasize foundational concepts in SI literacy and critical thinking skills while considering developmental readiness and students' safety factors in SI tool selections in K–12 education.

(b) Expand the appropriate and ethical use of SI in education through one or more of the following:

(i) Using SI to support K–12 or postsecondary instruction, supplemental learning, or other assistance or resources to students who are gifted and talented (as defined in 20 U.S.C. 7801(27)), or those who are otherwise in need of accelerated or other advanced learning opportunities.

(ii) Using SI to support K–12 or postsecondary instruction, supplemental learning, or other assistance or resources to students who are below grade level, in need of remedial or developmental education, struggling to graduate with a regular credential from their education program, or otherwise in need of additional assistance to complete their program of study.

(iii) Using SI to support early intervention, K–12, or postsecondary instruction or services, including early intervention, special education and related services, for children and students with disabilities and their families.

(iv) Using SI to support K–12 or postsecondary instruction, supplemental learning, or other assistance or resources to all students.

(v) Integrating SI-driven tools into classrooms to personalize learning, improve student outcomes, and support differentiated instruction. This integration may include, but is not limited to, adaptive learning technologies, virtual teaching assistants, tutoring, and data analytics tools to support student progress.

(vi) Providing resources and support to grantees for the use of SI in teaching and/or tutoring in an education program or teacher training program.

(vii) Providing resources and support for the use of SI in teacher preparation programs.

(viii) Using SI to improve teacher training and evaluation.

(ix) Promoting efficiency in classroom and school operations through the application of SI to reduce time-intensive administrative tasks.

(x) Using SI to provide high-quality instructional resources, high-impact tutoring, college and career pathway exploration, advising, and navigation to improve educational outcomes.

(xi) Incorporating the principles of universal design for learning [1] (as described in section 103(24) of the Higher Education Act of 1965, as amended).

(xii) Building strong, moderate, or promising evidence (as defined in 34 CFR 77.1) about when, where, for whom, and under what conditions SI improves learning.

(xiii) Developing and disseminating evidence-informed frameworks, tools, and models for integrating SI into education.

(xiv) Using of SI to improve program outcomes through a rigorous and specific deployment of the technology in teaching methods or student supports.

Proposed Definitions for Proposed Priority on Advancing Super Intelligence in Education

Computer science means the study of computers and algorithmic processes, including their principles, their hardware and software designs, theories, computational thinking, coding, analytics, applications, machine learning, and super intelligence (SI).

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information. In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation to the digital world.

Computer science does not involve using computers for everyday tasks, such as browsing the internet or using tools like word processors, spreadsheets, or presentation software. Instead, it focuses on creating and developing technology, not just utilizing it.

Super intelligence (SI) means the technologies and systems encompassed by the term ''artificial intelligence'' as defined in 15 U.S.C. 9401(3).

Super intelligence (SI) literacy means the technical knowledge, durable skills, civic awareness and future ready attitudes, including SI related ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity, required to thrive in a world influenced by SI. It enables learners to understand how SI works; use SI tools effectively and responsibly; engage, create with, manage, and design SI, while critically evaluating its benefits, risks, and implications.

[FR Doc. 2026–22615 Filed 11–4–26; 8:45 am]

BILLING CODE 4000–01–P

[1] Universal design for learning (20 U.S. Code § 1003—Additional definitions): The term ''universal design for learning'' means a scientifically valid framework for guiding educational practice that—(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2026–1024; FRL–12072–01–R3]

Air Plan Approval; District of Columbia; Enhanced Vehicle Emission Inspection and Maintenance (I/M) Program Revision and Basic I/M Program Certification for Moderate Nonattainment Areas Under the 2015 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the District of Columbia (DC, or the District). This revision incorporates regulatory updates made to the District's Enhanced motor vehicle emissions inspection and maintenance (I/M) program since the EPA's last SIP approval. The SIP revision also serves to certify that the District's existing Enhanced I/M program meets Clean Air Act (CAA) requirements for a Basic I/M program for the District's portion of the Washington, DC-MD-VA nonattainment area (the Washington nonattainment area) for the 2015 Ozone National Ambient Air Quality Standard (NAAQS).

DATES: Written comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–0304 at *www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Brian Rehn, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2176. Mr. Rehn can also be reached via electronic mail at: *rehn.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this proposed rule, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple

abbreviations and terms in this proposed rule. While this list may not be exhaustive, for ease of reading and for reference purposes, the EPA defines the following terms and abbreviations here:

AAMVA—American Association of Motor Vehicle Inspection
CAA—Clean Air Act
CBI—Confidential Business Information
CO—Carbon Monoxide
CFR—Code of Federal Regulations
DC—District of Columbia
DCMR—District of Columbia Municipal Regulations
DC DOEE—District of Columbia Department of Energy and Environment
DCDPW—District of Columbia Department of Public Works
EPA—Environmental Protection Agency
GVWR—Gross Vehicle Weight Rating
I/M—Inspection and Maintenance
LDV—Light-duty Vehicle
LDGV—Light-duty Gasoline Vehicle
LDGT—Light-duty Gasoline Truck
LDT—Light-duty Truck
MDV—Medium-duty Vehicle
HDV—Heavy-duty Vehicle
MOVES—Motor Vehicle Emissions Simulator Model
NAAQS—National Ambient Air Quality Standard
OMB—Office of Management and Budget
OTR—Ozone Transport Region
ppm—parts per million
PSM—Performance Standard Modeling
SIP—State Implementation Plan
TSD—Technical Support Document
VMT—Vehicle Miles of Travel

Table of Contents

I. Background
A. Overview of EPA's Proposed Action
B. 2015 Ozone NAAQS Background and EPA Designation of the Washington Area
C. Clean Air Act Requirements for I/M Programs
D. DC's Prior, SIP-Approved Enhanced I/M Program
II. Summary of DC's June 2024 SIP Submittal
A. Summary of DC's I/M Program Regulatory Updates to the Enhanced I/M Program Since EPA's 1999 SIP Approval of the Program
B. Demonstration That Enhanced I/M Program Requirements Continue To Be Met for the DC Portion of the Washington, DC-MD-VA Nonattainment Area After Program Revisions Made by DC Since EPA Last Approved the DC I/M Program to the SIP
C. I/M Performance Standard Modeling (PSM) Demonstration To Demonstrate Compliance With CAA Requirements for a Basic I/M Program Applicable to Moderate Ozone Nonattainment Areas
D. DC's Basic I/M Performance Standard Modeling Analysis and Results
E. Demonstration of Noninterference by the Updated I/M Program SIP Revision With Attainment and Maintenance of NAAQS Under CAA 110(l)
III. The EPA's Evaluation and Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

On June 7, 2024, the District of Columbia Department of Energy and Environment (DOEE) submitted a revision to its SIP to incorporate administrative and regulatory and statutory authority updates to the District's Enhanced I/M program made since the program's prior approval into the DC SIP in 1999. The June 2024 SIP revision also demonstrates through an emissions modeling analysis that the DC I/M program meets applicable CAA requirements for both Basic and Enhanced I/M programs for the District portion of the Washington, DC-MD-VA ozone nonattainment area (also referred to as the Washington area).

A. Overview of EPA's Proposed Action

On June 7, 2024, the District of Columbia submitted a SIP revision to both update its I/M program SIP to incorporate the most current iteration of DC I/M program regulations and to demonstrate that the program continues to meet applicable CAA requirements for an Enhanced I/M program. Further, the District's June 2024 SIP revision intends to satisfy the Basic I/M program requirement for Moderate nonattainment areas under the 2015 ozone NAAQS. In October 2022, the Washington nonattainment area was reclassified to Moderate, upon failure to attain the 2015 ozone NAAQS by the area's August 2021 Marginal area attainment date. Because the District had an existing Enhanced I/M program, the Basic I/M SIP requirement can be met by demonstrating that the District's existing Enhanced I/M program meets all applicable CAA Basic I/M requirements, including the requirement for a modeling analysis to demonstrate that the Washington Moderate ozone nonattainment area's I/M program meets or exceeds the emission reduction levels of the corresponding Basic I/M performance standard.

The EPA is proposing to approve the District's revised I/M program as being consistent with the applicable CAA Basic and Enhanced I/M requirements under CAA sections 182 and 184, and with the EPA's I/M requirements.[1] The EPA is proposing to approve both updates made to the District's existing, SIP-approved I/M program as well as its certification that the existing program meets CAA Basic I/M requirements.

[1] *See* 40 CFR part 51, subpart S.

B. 2015 Ozone NAAQS Background and EPA Designation of the Washington Area

On October 1, 2015, the EPA revised the primary and secondary NAAQS for ozone to a level of 0.70 parts per million (ppm) (based on the annual fourth-highest daily maximum 8-hour average concentration, averaged over three years) to provide increased protection of human health and the environment.[2] The 2015 ozone NAAQS retains the same general form and averaging time as the 0.75 ppm NAAQS set in 2008, but is set at a more protective level. On June 4, 2018 (effective August 3, 2018), the EPA designated the Washington, DC-MD-VA area (including the District of Columbia) as Marginal nonattainment for the 2015 ozone NAAQS.[3] Areas designated as Marginal nonattainment were required to attain the 2015 ozone NAAQS by no later than August 3, 2021 (three years from the effective date of designation).

On October 7, 2022, the EPA determined that the Washington nonattainment area failed to attain the 2015 ozone NAAQS by its August 3, 2021 Marginal area attainment date and reclassified the area by operation of law from Marginal to Moderate nonattainment.[4] Moderate areas were required to attain the 2015 ozone NAAQS by no later than six years after the effective date of initial designation, or August 3, 2024. As a result of this reclassification, the Washington area became subject to Moderate area requirements under CAA section 182(b), under CAA statutory implementation timeframes, which were reiterated in the EPA's October 7, 2022 reclassification rule.

With the reclassification to Moderate, the Washington nonattainment area is required to submit a Basic I/M SIP. The State can meet these Basic I/M requirements through certification that their existing, SIP-approved I/M program meets Basic I/M requirements for the 2015 ozone NAAQS.

C. Clean Air Act Requirements for I/M Programs

The CAA mandates I/M for certain urbanized ozone and carbon monoxide (CO) nonattainment areas based upon certain criteria, such as air quality status, population, and/or geographic location. I/M is the periodic inspection of the emissions control systems of motor vehicles.

[2] *See* 80 FR 65292 (Oct. 26, 2015).

[3] *See* 83 FR 25795 (June 4, 2018), codified at 40 CFR 81.309.

[4] *See* 87 FR 60897 (Oct. 7, 2022).

CAA section 182 requires I/M programs in areas of States most impacted by ground-level ozone pollution (to varying levels of I/M program stringency, either Basic or Enhanced) dependent upon the severity of an area's air pollution and its population. States with nonattainment areas classified by the EPA as Moderate that exceed CAA-established population thresholds are required to implement a CAA-defined, Basic I/M program. Areas classified as Serious or worse ozone nonattainment that exceed CAA-established, population thresholds must enact an Enhanced I/M program. Areas that fail to attain the ozone NAAQS by the CAA deadline for doing so are reclassified to a higher nonattainment classification, and as such may be newly subject to I/M requirements, or to re-evaluate and (if necessary) to upgrade an existing I/M program to a more stringent I/M program type. Moderate and Enhanced nonattainment I/M requirements are set forth at CAA section 182(b)(4) and section 182(c)(3), respectively.

Pursuant to CAA section 182(b)(4), States with ozone nonattainment areas classified as Moderate are required to implement a Basic I/M program in certain applicable areas. The Federal rule addressing I/M program requirements are provided at 40 CFR part 51, subpart S.

CAA section 184 further requires implementation of Enhanced I/M programs in metropolitan areas of an ozone transport region (OTR) and established an OTR for an area that geographically extends from the Washington, DC area northward to Maine. OTR I/M requirements apply regardless of ozone nonattainment classification, based solely on metropolitan area size and population.[5] Within the OTR, geographic scope is established to be any metropolitan statistical area (MSA), or portion thereof, with a 1990 population of 100,000 or more, as defined by the Office of Management and Budget (OMB).[6]

[5] *See* CAA 184(b)(1)(a).

[6] *See* CAA section 184(b)(1)(A) and 40 CFR 51.350(a)(1).

D. DC's Prior, Approved Enhanced I/M Program SIP

With enactment of the 1990 CAA, the EPA classified the Washington, DC-MD-VA area by operation of law in 1991 as Serious nonattainment for the 1979 1-hour ozone NAAQS,[7] triggering the Serious CAA ozone nonattainment area requirement to establish an Enhanced I/M program in urbanized portion of the Washington ozone nonattainment area having a 1980 population over 200,000 persons.[8] Since the Washington area also lies in the CAA-established OTR, Enhanced I/M is also required under the CAA section 184 OTR Enhanced I/M requirement, applicable to the MSA having a 1990 population of 100,000 or more.[9]

The EPA approved the District of Columbia's Enhanced I/M SIP in a final rule,[10] which converted to full approval the EPA's conditional approval of the DC I/M program.[11] The District began officially testing vehicles under its SIP-approved Enhanced I/M program in April 1999.

II. Summary of the District of Columbia's June 7, 2024 SIP Submittal

On June 7, 2024, the District of Columbia submitted a SIP revision amending its I/M program approved by the EPA to the DC SIP in 1999. The June 2024 SIP revision serves to incorporate by reference I/M program regulations codified under DC. Municipal Regulations (DCMR) Title 18, Chapters 6 and 7, as amended by a change in legal authority for the program (the District's ''Vehicle Inspection Improvement Amendment Act of 2009'') that enacted many of the DCMR regulatory revisions that comprise this SIP revision.

Also part of the District's June 2024 SIP revision is a Basic I/M Certification SIP demonstrating that the revised DC I/M program meets applicable CAA requirements for a Basic I/M program required for a Moderate ozone nonattainment area. This I/M certification SIP is comprised of a performance standard modeling (PSM) demonstration showing that the enacted DC I/M program meets the CAA Basic I/M performance standard, as well as showing that the SIP meets all other requirements for a Basic I/M program. A Basic I/M SIP is required for the District's portion of the Washington, DC-MD-VA 2015 ozone nonattainment area, as a result of the area having been reclassified by EPA in 2022 from Marginal to Moderate.[12]

The EPA's review of the elements of the District's June 7, 2024 I/M SIP revision (as well as our analysis of these SIP revisions for compliance with the CAA and EPA's I/M Rule [13]) is described in detail below.

A. Summary of DC's I/M Program Regulatory Updates to the Enhanced I/M Program Since EPA's 1999 SIP Approval of the Program

A detailed list of the regulatory amendments made by the District as part of their program update, as authorized by updated legal authority [14] are listed in Table 1 in this document. This legal authority change resulted in DC amending subsections of 18 DCMR Chapters 6 and 7, publishing rule amendments in the *DC Register*. Table 1 in this document, both lists the affected regulatory sections of the amended DCMR Title 18, Chapters 6 and 7 that included as part of the June 2024 SIP revision addressed by this proposal, as well as the District effective date of each section.[15]

[7] The EPA designated the Washington, DC-MD-VA area as nonattainment for ozone for the 1979 1-hour ozone NAAQS, with the area classified as Serious ozone nonattainment (56 FR 56694, Nov. 6, 1991).

[8] CAA section 182(c)(3)(A) and 40 CFR 51.350(a)(1).

[9] CAA section 184(b)(1)(A) and 40 CFR 51.350(a)(2).

[10] *See* 64 FR 31498, June 11, 1999.

[11] *See* 63 FR 29955, June 2, 1998.

[12] *See* ''Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards'' (87 FR 60897, Oct. 7, 2022).

[13] *See* CAA sections 182 and 184 for applicable I/M requirements, as well as EPA's I/M requirements rule, at 40 CFR 51.350 through 51.373.

[14] *See* the DC Vehicle Improvement Act of 2009, Title 18, Chapters 6 and 7.

[15] DC Vehicle Inspection Improvement Amendment Act of 2009 (DC. Law 18–111; 57 DCR 181, 289; adopted January 8, 2010).

TABLE 1—DISTRICT OF COLUMBIA RULE AMENDMENTS IN THE JUNE 2024 SIP REVISION

DCMR Title 18 Chapter 6 and 7	DCMR section	Summary of revisions to Chapter	State effective date/ DC Register (DCR) Citation
600 General Provisions.	600.1 ..... 600.4	Revises program applicability to remove standards prescribing to ''safety equipment, materials, and condition of motor vehicles'' on an annual basis. Removes requirements for processing ''condemned'' vehicles. Removes reference to ''public street or space'' in reference to removal of unsafe or improperly equipped vehicles, instead referring to new requirements in sections 601.4 through 601.6.	March 3, 2010,[15] as amended by DC Vehicle Improvement Act of 2009.
601 Inspection Requirements.	601.1–601.3 601.4 601.6 601.7–601.12	Adds requirements applicable to sticker issuance and inspection process. Incorporates by reference the DC Inspection Lane Operator's Manual and the AAMVA Manual to govern inspection procedures. Delineate periodic emissions testing applicability, with passenger cars tested every other year; buses tested semiannually (except MTA buses tested annually); taxis, commercial vehicles, and tow trucks tested annually; historic vehicles tested at registration—with annual or biennial odometer confirmation required thereafter, depending on historic classification. All other subject vehicles are required to be tested biennially. Vehicles over 26,000 lbs GVWR, diesel-powered vehicles, and pre-1968 model year vehicles are exempt from emissions testing. Delineates periodic safety inspection applicability, with buses to be tested semiannually; while taxis, commercial vehicles, and tow trucks tested annually. [Redacted from inclusion to the SIP, at DC's request]. I/M test fee language excluded from inclusion in the SIP.	February 1, 2021, Final Rulemaking published January 29, 2021 (68 DCR 1404).
602 Inspection Stickers.	602.5 ..... 602.6	Revised to update outdated language regarding temporary 15-day retention of an out-of-state I/M stickers after newly registering a DC vehicle from out of area, or DC had the option to instead issue a temporary sticker. The word safety has been removed from this section, to clarify that these requirements apply to safety and emissions testing. Clarifies that vehicles obtained from outside the program area must present the vehicle for DC inspection and display a DC sticker no later than 15 days after the vehicle is registered in DC.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
603 Vehicle Inspection: Approved Vehicles.	603.1	Amends requirements for approved vehicles applicable when a vehicle is found ''not to conform'' following pre-inspection (as set forth in the Lane Operator's Manual, the AAMVA Manual, and DCMR Title 18). If the vehicle is determined ''not to conform,'' the program director will issue the registrant a rejection sticker instead of an approved inspection sticker.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
604 Vehicle Inspection: Rejected Vehicles.	604.1 ..... 604.2 604.6–604.10 604.11–604.13.	Amends rejected vehicle requirements to use the term ''do not conform,'' as established at § 603.1. Repeals Director discretions to reject a presented vehicle determined (after mechanical inspection) to not conform to equipment standards in the DC Inspection Manual, related to trailer safety inspections. Repeals language related to rejected sticker color applicable to for-hire vehicles Amends and renumbers sticker issuance requirements (moved from § 604.11 to new §§ 604.12 and .13), applicable when vehicle fails or is rejected for safety purposes. An approval sticker shall only be issued upon the vehicle's passing an emissions test.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
606 Vehicle Inspection: Condemned Vehicles.	606.2	Updates outdated reference to District Inspection Manual to the Lane Operators Manual, or when applicable the AAMVA Manual, for purposes of ''condemned'' sticker issuance.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.
607 Placement of Inspection Stickers on Vehicles.	607.1 and 607.3.	Replaces the term ''motorized bicycles'' to ''motor-driven cycles'' to both sections, adding a new term for ''autocycles'' to § 601.1.	August 11, 2017, as amended by Final Rulemaking published August 11, 2017 (64 DCR 7930).
609 Inspection of Non-Registered Motor Vehicles.	609.1 ..... 609.2–609.3	Addition of ''and'' between requirements for verification of ID numbers and cases in which safe mechanical condition of a vehicle is in question, as related to inspection of non-registered motor vehicles at no cost. [Redacted from inclusion to the SIP at DC's request] I/M program test fee language excluded from inclusion in the SIP.	July 13, 2001, as amended by Final Rulemaking published July 13, 2001 (48 DCR 6261).
617 Inspector Certification.	617.3	''Motor Vehicles'' training course for new inspector certification is amended to ''Public Works'' training course.	February 10, 2006, as amended by Final Rulemaking published February 10, 2006 (53 DCR 845).

TABLE 1—DISTRICT OF COLUMBIA RULE AMENDMENTS IN THE JUNE 2024 SIP REVISION—Continued

DCMR Title 18 Chapter 6 and 7	DCMR section	Summary of revisions to Chapter	State effective date/ DC Register (DCR) Citation
618 Automotive Emissions Repair Technician.	618.3 ..... 618.5	Responsibility for establishing criteria for repair technician training testing is changed from the Director of ''Motor Vehicles'' to that of ''Public Works.''. New addition to allow the Director to issue repair certification to technicians certified in another Enhanced I/M state. Former section 618.5 is renumbered to 618.6.	February 10, 2006, as amended by Final Rulemaking published February 10, 2006 (53 DCR 845).
701 Historic Motor Vehicles.	701.2	Grammatical change, with capitalization of ''Chapter'' changed to lower case	January 9, 2009, as amended by D.C. Act 17–619, (56 DCR 203).
701 Historic Motor Vehicles.	701.7	New language suspending F(I) historic class registration for vehicles exceeding mileage limits for that class for a period of two years..	
752 Maximum Allowable Levels of Exhaust Components.	752.3	Removes language requiring establishment of exhaust emission standards to fail more than 20% of vehicles. Adds new language requiring vehicles to comply with Federal OBD standards, as of January 2004.	October 3, 2003, as amended by Final Rulemaking published October 3, 2009 (50 DCR 8196).
756	756.3	Incorporates by reference the DC Inspection Lane Operator's Manual and the AAMVA Manual with respect to performing quality assurance and equipment calibration procedures necessary for transient testing.	March 3, 2010, as amended by DC Vehicle Improvement Act of 2009.

These regulatory updates to the Enhanced I/M program rules and requirements update the SIP to reflect minor administrative changes, primarily made by a 2010 DC law change and several regulatory updates. References to updated I/M program materials have been amended, which specify requirements for I/M test procedures, program quality control, and emissions inspector and repair technician certification. The referenced DC Inspection Lane Operator's Manual and the American Assn. of Motor Vehicle Inspection (AAMVA) Manual are being proposed for incorporation by reference to the DC SIP. The revisions to Title 18, sections 6 and 7 are administrative and clerical in nature and will not reduce the emission reduction benefits produced by the District's I/M program.

B. Demonstration That Enhanced I/M Program Requirements Continue To Be Met for the DC Portion of the Washington, DC-MD-VA Nonattainment Area After Program Revisions Made by DC Since EPA Last Approved the DC I/M Program to the SIP

In addition to demonstrating that its existing program meets applicable CAA Basic I/M requirements, including the PSM demonstration discussed below, DC's June 2024 SIP revision also requests that the EPA incorporate updated regulatory amendments and other administrative changes to DC's prior, approved Enhanced I/M SIP adopted to satisfy Enhanced I/M requirements applicable as a result of the Washington, DC-MD-VA having been designated nonattainment under the prior (now revoked) 1979 1-hour ozone NAAQS, and as a result of the District's location in a CAA-established OTR.[16]

Amendment of the existing, approved SIP to revise a CAA-required control measure requires that the state demonstrate that the revised measure continues to meet applicable CAA requirements. In the case of the Enhanced I/M program, this requires that the revised program meets all Enhanced requirements set forth at CAA 182(c)(3) and at the EPA's I/M rule, including an I/M PSM analysis showing that that the program meets the Enhanced I/M performance standard. However, DC's revision to the SIP-approved I/M program consist entirely of regulatory updates and other non-regulatory updates to the program that are administrative in nature that do not change program applicability, the inspection process, or any other aspect of the program that can be shown to change the emissions benefits of the prior, SIP-approved program. Given the administrative and clerical nature of the DC regulatory updates, the EPA has determined that an Enhanced I/M PSM analysis is not necessary for this action. The EPA's review of the regulatory updates to the program was summarized in this action, with further detail on our review provided in the accompanying technical support document (TSD) for this action.

C. I/M Performance Standard Modeling (PSM) Demonstration To Demonstrate Compliance With CAA Requirements for a Basic I/M Program Applicable to Moderate Ozone Nonattainment Areas

The CAA and I/M regulations allow States a great deal of flexibility in designing their I/M programs as long as the applicable I/M performance standard is met. An I/M performance standard is a collection of program design elements, to which a state's I/M program is compared in terms of its potential to reduce emissions of the ozone precursors. A PSM analysis is performed using the most recent version of the EPA's Motor Vehicle Emissions Simulator Model (MOVES) available at the time of analysis. The PSM demonstration compares the resultant MOVES-derived emissions levels, expressed as a comparison of tons per day of the ozone precursors NO_X and VOCs from onroad mobile sources in the I/M area. The EPA's I/M rule sets forth applicable Basic I/M PSM demonstration criteria.[17] The EPA issued PSM modeling guidance establishing a means by which states conduct the required PSM demonstration, which must then be submitted to EPA as part of an I/M program certification SIP revision to the

[16] *See* CAA I/M requirements set forth at sections 182(c)(3) and 184(b)(1)(a).

[17] *See* 40 CFR 51.352.

state's SIP.[18] [19] As the District has an existing Enhanced I/M program, the area may demonstrate (through a PSM analysis) that the existing program meets the Basic I/M performance standard applicable to a Moderate ozone nonattainment area without modification. The state could submit this I/M certification SIP revision with the associated performance modeling and a written statement certifying their determination in lieu of submitting new revised regulations.[20] Consistent with the I/M Rule, areas with existing I/M programs need to conduct and submit a performance standard modeling analysis as well as make any necessary program revisions as part of their Moderate area SIP submissions to ensure that I/M programs are operating at or above the Basic I/M performance standard level for the 2015 ozone NAAQS.

To address this Basic I/M requirement for the District of Columbia portion of Washington, DC-MD-VA 2015 ozone nonattainment area required under the Moderate classification, the District submitted the June 7, 2024, SIP revision. Due to the area being designated nonattainment at a higher classification under the previous 1979 ozone NAAQS, as well as DC's inclusion as part of the CAA Northeast Ozone Transport Region (OTR),[21] the District has implemented an Enhanced I/M program since 1999. The June 2024 SIP submittal includes a PSM demonstration showing that the District's existing I/M program meets applicable, CAA-established performance requirements to achieve equivalent or greater emissions reductions than the EPA's model Basic I/M program.

The District operates a centralized, test-only government-run inspection program (adopted by the DC Department of Energy and Environment (DC DOEE) and administered by the DC Department of Public Works (DCDPW), with emissions testing performed on a biennial basis for most vehicles (with commercial vehicles subject to more frequent annual testing of commercial passenger vehicles (*e.g.,* taxis and limousines) and biannual testing of school buses. Testing is required for model year 1968 and newer vehicles (up to 26,000 pounds gross vehicle weight rating (GVWR). New vehicles are exempted for the first four model years. A vehicle must pass inspection or be granted a waiver before it can be registered in the District.

D. DC's Basic I/M Performance Standard Modeling Analysis and Results

The District's June 7, 2024 SIP revision certifies that the existing DC I/M program (inclusive of the regulatory and other administrative program updates submitted with the June 2024 submittal, on which EPA is simultaneously proposing action upon) meets all applicable requirements for a Basic I/M program required for Moderate ozone nonattainment areas. Table 2 in this document compares the EPA's Basic I/M performance standard for areas designated nonattainment for the 2015 ozone standard [22] with the existing DC I/M Program.

TABLE 2—COMPARISON BETWEEN THE MODEL BASIC I/M PERFORMANCE STANDARD PROGRAM AND DC'S EXISTING I/M PROGRAM

I/M program element	Model basic I/M performance standard program [23]	District of Columbia's existing I/M program
Network Type	Centralized	Centralized.
Program Start Date	4 years after designation and classification under the ozone standard.	1997.
Test Frequency	Annual	Biennial (Passenger vehicles); Annual (Commercial passenger vehicles, *e.g.,* taxis/limousines); Biannually (School buses).
Model Year Coverage	1968 and newer	1968 and newer (4 newest model years exempt).
Vehicle Type Coverage	Light-duty, gasoline-powered vehicles.	Light-duty vehicles (LDGVs) and light-duty gasoline trucks (LDGTs), up to 8,500 lbs GVWR; Medium-Duty Vehicles (MDVs), up to 14,000 lbs GVWR; Heavy-Duty Vehicles (HDVs) up to 26,000 lbs GVWR.
Test Types	Idle Test for 1968–2000 vehicles; OBD checks on 2001 and newer vehicles.	2-speed Idle Test for 1968–1983 LDVs and LDTs; and 1968 and newer MDVs. OBD checks on 1996 and newer LDGVs and LDGTs (up to 8,500 lbs GVWR); and 1996 and newer MDVs (up to 14,000 lbs GVWR); IM240 on 1984–1985 LDVs, LDTs and MDVs.
Emission Control Device Visual Inspection.	None	None.
Evaporative system function check	None, with the exception of those performed by the OBD system on vehicles so-equipped and only for model year 2001 and newer vehicles.	Gas Cap Pressure Test, for 1968–1995 LDVs and LDTs; 1968 and newer School Buses and Single Unit Short Haul Trucks, and single unit long-haul trucks; OBD Evap for 2003 and newer LDVs and LDTs and MDTs.
Waiver Rate (for cost-limited I/M repair expenditures).	A 0% waiver rate as a percentage of failed vehicles.	A 3% waiver rate.
Compliance Rate	A 100% compliance rate	A 96% compliance rate.

Per the CAA and the EPA guidance, DC DOEE evaluated its existing program in comparison to the Basic I/M performance standard for the 2023 PSM evaluation year. In accordance with the EPA's PSM guidance, a PSM analysis

[18] *See* EPA's ''Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model'' (EPA–420–B–22–034, 2022).

[19] *See* 40 CFR 51.372(a)(2).

[20] *See* Section II.E of the Oct. 7, 2022 final rule (87 FR 60897, 60906) and the Apr. 13, 2022 proposal (87 FR 21842).

[21] The Washington, DC-MD-VA NAA was previously classified as Severe nonattainment under the now revoked 1979 1-hour ozone NAAQS. CAA section 184(b)(1)(A) provides that an area within a State in an ozone transport region and with a metropolitan statistical area population of 100,000 or more must implement an Enhanced I/M program.

[22] *See* 40 CFR 51.352(e).

[23] *See* the ''Basic performance standard for areas designated non-attainment for the 8-hour ozone standard'' at 40 CFR 51.352(e).

resulting from a reclassification is to be based on the attainment date and 2023, as the attaining ozone season, is the last full ozone season prior to the attainment date.[24]

The DC DOEE utilized the EPA's MOVES3.1 model to demonstrate PSM equivalence of their I/M program, as this was the most recently available model at the time they commenced their analysis. Though the EPA had released newer versions of the MOVES model (*i.e.,* MOVES4) at the time the SIP revision was submitted, DC DOEE commenced development of their PSM analyses [25] prior to the release of MOVES4 in September 2023, making MOVES3.1 the most recent version of the model available when DC commenced its analysis.[26] [27]

The District's PSM demonstration methodology was conducted in accordance with guidance established by the EPA's MOVES3 Technical Guidance.[28] Model inputs for the PSM demonstration are based on a mix of local data and national default data. Local data were used for the primary data items that have a significant impact on emissions, including: vehicle miles traveled (VMT) by vehicle type; average speed distribution; vehicle type distributions; source type population (for light-duty vehicles); vehicle age distribution; hourly distributions; meteorology data; and the specific design elements of the DC I/M program. DC derived many of its MOVES planning assumptions from its latest plan approved for transportation conformity planning.

Most local data inputs for the analysis process reflect the latest planning assumptions based on data obtained from the DC Department of Motor Vehicles (DC DMV), as well as other local/national sources. The most recent available data was used for model assumptions and inputs related to emissions control strategies, meteorology, and fuel parameters. Vehicle age distributions were based on the DC vehicle registration dataset for 2022. I/M program data was based on the latest available 2021–22 biennial program test cycle. Modeling assumptions are detailed in the PSM Chapter of DC's SIP, with MOVES modeling input and output results provided in SIP Attachments A through D.

Further description of the District's PSM analysis MOVES inputs and assumptions is provided in the TSD prepared in support of this action. I/M-related MOVES input data and their sources are provided in section III.D.1 of the TSD prepared for this action and the I/M input parameters necessary to evaluate MOVES I/M analysis are detailed in the TSD prepared by the EPA in support of this proposed action, which is available in the docket.

The District's MOVES3 PSM analysis was performed using the methodology set forth in the EPA MOVES SIP and Technical Guidance documents, as well as EPA's PSM Modeling Guidance. Emissions for both the EPA model program (*i.e.,* the Basic performance standard) and DC's existing I/M program were provided in total tons per summertime day of the ozone precursors—VOCs, and NO_X. The results of the District's Basic I/M PSM certification analysis are provided in Table 3. The modeling results shown in Table 3 in this document, demonstrate that DC's existing I/M program is operating at or above the Basic I/M performance standard level.

TABLE 3—DC I/M BASIC PERFORMANCE STANDARD MODELING ANALYSIS RESULTS

Pollutant	Emissions (total onroad)			Emission rate (onroad grams/mile)		
	HC (tons)	VOC (tons)	NO_X (tons)	HC (g/mile)	VOC (g/mile)	NO_X (g/mile)
Model Basic I/M Performance Standard Program	3.48	2.58	3.10	0.2953	0.2194	0.2635
DC I/M Existing Program	3.36	2.48	2.98	0.2852	0.2107	0.2532
Difference Between DC's Existing I/M Program and the Model Basic I/M Performance Standard Program	−0.12	−0.10	−0.12	−0.0101	−0.0087	−0.0103
Does DC's I/M Program Meet the CAA PSM Requirement for a Basic I/M Program?	Yes	Yes	Yes	Yes	Yes	Yes

E. Demonstration of Noninterference by the Updated I/M Program SIP Revision With Attainment and Maintenance of NAAQS Under CAA 110(l)

CAA section 110(l) requires that the EPA approve a revision to a SIP only ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of [the CAA].'' In evaluating the District's submitted SIP revision, EPA considered whether approval of the revision would result in interference under CAA section 110(l). Consequently, an analysis of whether EPA's approval of the District's SIP revision would be consistent with CAA section 110(l) is presented here.

A SIP revision would be consistent with section 110(l) so long as ''emissions in the air are not increased,'' and ''status quo air quality'' is preserved.[29] The appropriate analysis under section 110(l) is not standardized and is determined on a case-by-case basis, given the nature of the SIP revision.[30] Historically, the EPA has held that to demonstrate noninterference where the EPA anticipates that a SIP revision may result in increased emissions, a state may either substitute equivalent or greater emission reductions in order to preserve status quo air quality or submit an air quality analysis showing that the SIP revision will not interfere with any applicable requirements.[31] However,

[24] *See* the EPA's I/M PSM Guidance [EPA–420–B–22–034, October 2022], p.10.

[25] 88 FR 62567.

[27] *See* 88 FR 62567.

[27] *See* EPA, 420–B–20–044, ''Policy Guidance on the Use of MOVES3 for State Implementation Plan Development, Transportation Conformity, General Conformity, and Other Purposes'' (2020), p. 7. DC's PSM analysis supporting this SIP revision commenced earlier in 2023, prior to the subsequent release by EPA of MOVES4 and its policy memorandum requiring use of that more recent model.

[28] *See* EPA, 420–B–20–052, ''MOVES 3 Technical Guidance—Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity'' (Nov. 2020), pp. 44–49.

[29] *See Ky. Res. Council, Inc.* v. *EPA,* 467 F.3d 986, 991 (6th Cir. 2006); see also *Indiana* v. *EPA,* 796 F.3d 803, 806 (7th Cir. 2015); *Ala. Env't Council* v. *EPA,* 711 F.3d 1277, 1292–93 (11th Cir. 2013); *Galveston-Houston Assn for Smog Prevention* v. *EPA,* 289 F. Appendix 745, 754 (5th Cir. 2008).

[30] *See Center for Biological Diversity* v. *EPA,* 75 F.4th 174, 181 (3rd Cir. 2023).

[31] *See Ky. Res. Council, Inc.* v. *EPA,* 467 F.3d at 995.

some SIP elements, such as public hearing requirements, are clearly administrative or procedural in nature, and changes to them will not impact emissions for the affected measure.

The EPA's review of these revised program elements shows them to be administrative and clerical in nature, as discussed previously and detailed further in the TSD accompanying this action. Thus, the administrative amendments to the prior, SIP-approved Enhanced I/M program in the DC SIP do not require a formal noninterference showing under CAA section 110(l).

III. The EPA's Evaluation and Proposed Action

The EPA's review of this material indicates that all applicable requirements for a Basic I/M program have been met by the District of Columbia's SIP June 7, 2024 SIP submission. Further, revisions made by DC to make regulatory updates to its prior, SIP-approved Enhanced I/M program of an administrative and clerical nature do not interfere with the SIP's ability to meet all applicable CAA requirements for an Enhanced I/M program as required by CAA sections 182(c) and 184(b). The EPA is proposing to approve into the SIP the District of Columbia's submitted I/M program updates of Chapters 6 and 7 of Title 18 of the District of Columbia Municipal Regulations, which reflect administrative changes made to the program regulations since EPA last approved the SIP in 1999. The specific regulatory sections amended are detailed in the incorporation by reference section of this proposed action. These regulatory updates primarily result from revised legal authority governing the District's I/M program, under The Vehicle Inspection Improvement Amendment Act of 2009.[32]

The CAA gives states discretion on program planning to tailor I/M programs to their unique situation, as long as Federal statutory and regulatory requirements for an applicable I/M program are satisfied and the CAA-required performance standard has been met.

The EPA's review finds that the District of Columbia's revisions to the prior, SIP-approved I/M program are administrative and clerical in nature and that they are in accordance with the requirements of the CAA, 40 CFR part 51 and applicable EPA's guidance for an I/M program. As a result, this submission does not warrant a noninterference demonstration under CAA section 110(l). The EPA has determined that approval of the District's will not interfere with any applicable CAA requirement concerning attainment and reasonable further program, or any other applicable CAA requirement. Further, the EPA has determined that the District's Basic I/M Certification SIP demonstrates that the existing DC I/M program for DC's portion of the Washington, DC-MD-VA nonattainment area complies with all applicable requirements for a Basic I/M program under CAA section 182(b)(4) and that the submitted PSM analysis demonstrates that DC's existing I/M program is operating at or above the Basic I/M performance standard level.

Therefore, the EPA proposes to approve the District's June 7, 2024 Enhanced I/M SIP submission as a revision to the District of Columbia SIP. Additionally, EPA proposes to approve the District's Basic I/M certification SIP submission for the DC portion of the Washington, DC-MD-VA as satisfying the Moderate area Basic I/M requirement under the 2015 ozone NAAQS.

IV. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revised District of Columbia rule revisions Chapters 6 and 7 of Title 18 of the District of Columbia Municipal Regulations, which reflect administrative changes made to the program regulations since the EPA last approved the SIP in 1999, as submitted as part of DC's June 7, 2024 SIP revision. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the DCMR rule revisions regarding administrative updates and clerical amendments to the DC I/M program, as discussed in section II.A of this preamble and with DCMR effective dates listed in Table 1 of Section II.A of this preamble. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations,

[32] *See DC Fiscal Year 2010 Budget Support Act of 2009,* Title VI. Public Works, Subtitle B. Vehicle Inspection Improvement.

Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–22592 Filed 11–4–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R09–OAR–2026–5710; FRL–13516–01–R9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State plan submitted by the Maricopa County Air Quality Department (MCAQD). This plan pertains to the regulation of landfill gas and its components from existing municipal solid waste (MSW) landfills. Maricopa's county plan was submitted in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2026–5710 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, U.S. EPA Region IX, telephone number: (415) 947–4152, email address: *buss.jeffrey@epa.gov.*

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

ADEQ Arizona Department of Environmental Quality
CAA Clean Air Act
CBI confidential business information
EG emission guideline
MCAQD Maricopa County Air Quality Department
MSW municipal solid waste
NSPS New Source Performance Standards
TSD Technical Support Document

Table of Contents

I. Executive Summary
A. What action is the EPA taking?
B. What is the legal authority and what are the requirements?
II. Background
III. Summary of the Plan and EPA Analysis
IV. Proposed Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Executive Summary

A. What action is the EPA taking?

The Environmental Protection Agency (EPA) is proposing to approve a State plan submitted by the Maricopa County Air Quality Department (MCAQD) pursuant to Clean Air Act (CAA) section 111(d). This plan pertains to the regulation of landfill gas and its components from existing municipal solid waste (MSW) landfills. Maricopa's county plan was submitted in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills.[1]

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

The EPA is proposing to approve the MCAQD's October 4, 2022 section 111(d) plan submittal for existing MSW landfills submitted pursuant to 40 CFR part 60, subparts B and Cf. Therefore, the EPA is proposing to amend 40 CFR part 62, subpart D, to reflect this action. This approval is based on the rationale discussed below and in further detail in the Technical Support Document (TSD) associated with this action. The scope of the proposed approval of the section 111(d) plan is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the Emission Guidelines (EGs), subpart Cf.

II. Background

CAA section 111(b)(1)(A) requires the EPA Administrator to promulgate a list of categories of stationary sources that the Administrator, ''in his judgment,'' finds ''causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' The EPA has the authority under this section to define the scope of the source categories; to determine, consistent with the statutory requirements, the pollutants for which standards should be developed; and to distinguish among classes, types, and sizes within categories in establishing the standards.[2] Once the EPA lists a source category that contributes significantly to dangerous air pollution, the EPA must, under CAA section 111(b)(1)(B), establish ''standards of performance'' for ''new sources'' in the source category. These standards are referred to as new source performance standards, or NSPS. The NSPS are national requirements that apply directly to the sources subject to them.

The basis for standards of performance is the ''degree of emission limitation'' that is ''achievable'' by sources in the source category by application of the ''best system of emission reduction'' that the EPA determines is ''adequately demonstrated'' (BSER). As explained further below in this section, the D.C. Circuit has explained that systems are not ''adequately demonstrated'' if they are ''purely theoretical or experimental.'' [3] The D.C. Circuit has stated that in determining the ''best'' adequately demonstrated system for the pollutants at issue, the EPA must also take into account ''the amount of air pollution'' reduced.[4] The D.C. Circuit has also stated that the EPA may weigh the various factors identified in the statute and caselaw to determine the ''best'' system and has emphasized that

[1] See 81 FR 5927 (Aug. 29, 2016).

[2] 42 U.S.C. 7411(b)(2) provides the EPA the authority to establish subcategories.

[3] *Essex Chem. Corp.* v. *Ruckelshaus,* 486 F.2d 427, 433–34 (D.C. Cir. 1973).

[4] *See Sierra Club* v. *Costle,* 657 F.2d 298, 326 (D.C. Cir. 1981). The D.C. Circuit has stated that EPA must also take into account ''technological innovation.'' See id. at 347.

the EPA has significant discretion in weighing the factors.[5]

After determining the BSER, the EPA sets an achievable emission limit based on application of the BSER.[6] For a CAA section 111(b) rule, the EPA determines the standard of performance that reflects the achievable emission limit. For a CAA section 111(d) rule, the States have the obligation of establishing standards of performance for the affected sources that reflect the degree of emission limitation that the EPA has determined and provided to States as part of an emission guideline. In applying these standards to existing sources, States are permitted to take a source's remaining useful life and other factors into account.

On March 12, 1996, the EPA promulgated an NSPS applicable to certain new municipal solid waste (MSW) landfills and EGs for certain existing landfills in 40 CFR part 60, subparts WWW and Cc, respectively. These regulations were intended to control landfill gases such as non-methane organic compounds and odorous compounds.[7] On June 17, 1997, and June 29, 1999, the Arizona Department of Environmental Quality (ADEQ) submitted a plan adopting 40 CFR 60, subpart Cc. The ADEQ's plan covered the twelve counties under its jurisdiction as well as applicable rules for the remaining three counties with their own jurisdiction over MSW landfills: Pima, Pinal, and Maricopa counties. The EPA approved the plan on September 20, 1999,[8] and it took effect on November 19, 1999.

On August 29, 2016, the EPA finalized revisions to the MSW landfill NSPS and EGs in 40 CFR part 60, subparts XXX and Cf, respectively.[9] The 2016 EG revision updated the control requirements and monitoring, reporting, and recordkeeping provisions for existing MSW landfills. The current MSW landfill EGs regulates landfill gas and its components from MSW landfills for which construction, reconstruction, or modification commenced on or before July 17, 2014. The deadline for States to submit a plan to the EPA to implement the EGs was May 30, 2017. On May 21, 2021, the EPA finalized the MSW landfill Federal Plan in 40 CFR part 62, subpart OOO, that applies to States that do not have an EPA-approved State plan to implement the EG. In the absence of an approved State plan, the EPA is responsible for developing, implementing, and enforcing the Federal Plan.

On October 4, 2022, the Maricopa County Air Quality Department (MCAQD) submitted to the EPA a section 111(d) plan for existing MSW landfills. The submitted section 111(d) plan was in response to the August 29, 2016, promulgation of federal NSPS and EG requirements for MSW landfills, 40 CFR part 60, subparts XXX and Cf, respectively. In addition, on July 5, 2023, the MCAQD and the EPA entered into a memorandum of agreement delegating authority to implement and enforce the Federal Plan to the MCAQD.[10] This delegation remains in effect until the EPA approves the MCAQD's MSW landfill plan. State plan submittals and revisions under CAA section 111(d) must be consistent with the applicable EGs and the requirements of 40 CFR part 60, subpart B. These requirements include general provisions applicable to the adoption and submittal of State plans under CAA section 111(d). Additionally, State plan submittals and revisions are also subject to 40 CFR part 60, subpart A. This subpart establishes the procedural framework by which the EPA will approve or disapprove State plan submittals. Once approved by the EPA, the State plan becomes federally enforceable.

III. Summary of the Plan and EPA Analysis

The EPA has reviewed the October 4, 2022 section 111(d) plan submittal in the context of the requirements of 40 CFR part 60, subparts B and Cf, and part 62, subpart A. In this action, the EPA is proposing to determine that the submitted section 111(d) plan meets the above-cited requirements. The primary mechanism selected by the MCAQD to implement the EGs for existing MSW landfills under State jurisdiction is through incorporation by reference of 40 CFR part 60, subpart Cf, into the Maricopa County Air Pollution Control Regulations (under Regulation III—Control of Air Contaminants, Rule 321, Existing Municipal Solid Waste (MSW) Landfills), on September 28, 2022. While the MCAQD submitted the entire Rule 321, it asked that the EPA only take action on the portion of the rule applicable to the MSW EGs.[11] A detailed explanation of the rationale behind this proposed approval is available in the TSD.

IV. Proposed Action

The EPA is proposing to approve the MCAQD's October 4, 2022 section 111(d) plan submittal for existing MSW landfills submitted pursuant to 40 CFR part 60, subparts B and Cf. Therefore, the EPA is proposing to amend 40 CFR part 62, subpart D, to reflect this action. This approval is based on the rationale discussed above and in further detail in the TSD associated with this action. The scope of the proposed approval of the section 111(d) plan is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the EGs, subpart Cf.

V. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference of the State plan. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference MCAQD rules regarding MSW landfills discussed in section III of this preamble. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov*, Docket ID No. EPA–R09–OAR–2026–5710, and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a CAA section 111(d) submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) State plan submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly,

[5] *See Lignite Energy Council* v. *EPA,* 198 F.3d 930, 933 (D.C. Cir. 1999)(''Because section 111 does not set forth the weight that should be assigned to each of these factors, we have granted the agency a great degree of discretion in balancing them.'').

[6] See, *e.g.,* Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air pollutants Reviews (77 FR 49494; August 16, 2012) (describing the three-step analysis in setting a standard of performance).

[7] 61 FR 9905.

[8] 64 FR 50768.

[9] 81 FR 59332 and 81 FR 59276, respectively.

[10] Memorandum of Agreement, Delegation of Authority of the Federal Plan for Existing Municipal Solid Waste Landfills Between the Maricopa County Air Quality Department and the United States Environmental Protection Agency, signed by Martha Guzman Aceves, Regional Administrator, on July 5, 2023, and signed by Clint L. Hickman Chairman, Maricopa County Board of Supervisors, on June 14, 2023, Juanita Garza, Clerk of the Board, Maricopa County Board of Supervisors, on June 14, 2023, and Karen J. Hartman-Tellez, Deputy City Attorney, on May 4, 2023.

[11] Email dated June 10, 2026, from Gregory Verkamp, MCAQD to Jeffrey Buss, EPA Region IX, Subject: ''RE: Maricopa section 111 d plan—MSW landfills.''

this action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason:

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified to not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will approve a State plan pursuant to CAA section 111(d) and will therefore have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action will not apply to areas of Indian country within Arizona and therefore does not have tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). This action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Arizona tribe implements a regulatory program under the CAA and thus does not have applicable or related tribal laws.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definitions of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it approves a State program.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. This action is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Landfills, Reporting and recordkeeping requirements, Waste Treatment and Disposal.

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

Dated: October 22, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–22585 Filed 11–4–26; 8:45 am]

BILLING CODE 6569–60–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2026–5021; FRL–13501–01–R3]

Approval and Promulgation of Delegation of Authority for Designated Facilities and Pollutants; Allegheny County; Delegation of Authority of the Federal Plan for Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the Allegheny County Health Department (ACHD) for delegation of authority to implement and enforce the Federal Plan requirements for existing Municipal Solid Waste (MSW) landfills within Allegheny County in the Commonwealth of Pennsylvania. On May 21, 2021, the EPA promulgated the Federal Plan for MSW landfills to fulfill the requirements of section 111(d) of the Clean Air Act (CAA). The Federal Plan addresses the implementation and enforcement of the emission guidelines applicable to existing MSW landfills located in areas not covered by an approved and currently effective State plan. The Federal Plan imposes emission limits and other control requirements for existing MSW landfills which will reduce designated pollutants.

DATES: Written comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2026–5021 at *Regulations.gov,* or via email to *supplee.gwendolyn@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the

primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

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

SUPPLEMENTARY INFORMATION:

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

ACHD Allegheny County Health Department
CAA Clean Air Act
CBI Confidential Business Information
EPA Environmental Protection Agency
GCCS gas collection and control system
MoA Memorandum of Agreement
MSW Municipal Solid Waste
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

Table of Contents

I. Background
II. Summary of Action and EPA Analysis
III. Proposed Action
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Executive Order 14192: Unleashing Prosperity Through Deregulation
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

I. Background

Section 111(d) of the CAA requires States to submit plans to control certain pollutants (designated pollutants) at existing sources (designated facilities) whenever standards of performance have been established under CAA section 111(b) for new sources of the same type and the EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria has been issued or which is not included on a list published under section 108(a) (national ambient air quality standards) or section 112 (hazardous air pollutants) of the CAA, but emissions of which would be subject to a standard of performance for new stationary sources under CAA section 111(b). Under CAA section 111(d)(2), the EPA is supposed to prescribe and enforce a plan—referred to as a Federal Plan—for States that do not submit a State plan.

On March 12, 1996 (61 FR 9905), the EPA added the MSW landfills to the priority list in 40 CFR 60.16 as a source category because as authorized in CAA section 111(b)(1)(A), in the judgment of the Administrator, the source category contributes significantly to air pollution that may reasonably be anticipated to endanger public health and welfare. In that same rule, the EPA promulgated new source performance standards, which apply to new (and modified or reconstructed) landfills under the authority of CAA section 111(b)(1)(B), and emission guidelines, which apply to existing landfills, under the authority of CAA section 111(d). Additionally, the EPA defined the MSW landfills source category, identified municipal solid waste landfill emissions (commonly referred to as landfill gas) as the pollutant for which standards should be developed, identified which landfills would be covered, and determined the applicability threshold and emission level of the standards. On March 17, 1999 (64 FR 13075), the EPA approved the ACHD's 111(d) State plan for existing MSW landfills.[1]

On August 29, 2016, the EPA promulgated revised new source performance standards (81 FR 59332) and emission guidelines (81 FR 59276) for MSW landfills at 40 CFR part 60, subparts XXX and Cf, respectively. State plans to implement the 40 CFR part 60, subpart Cf emission guidelines were due May 30, 2017. The procedures for adoption and submittal of State plans are codified in 40 CFR part 60, subpart B. For States that fail to submit a State plan, the EPA is required to develop and implement a Federal Plan.[2] The EPA implementation and enforcement of the Federal Plan is viewed as an interim measure until States or local agencies assume their role as the preferred implementers of the emission guidelines requirements stipulated in the Federal Plan.[3]

Accordingly, the EPA promulgated the MSW landfill Federal Plan on May 21, 2021, (86 FR 27756) which is codified at 40 CFR part 62, subpart OOO. The MSW landfill Federal Plan, like the emission guidelines at subpart Cf, applies in areas without an approved State plan by requiring existing MSW landfills that reach a landfill gas emission threshold of 34 megagrams (Mg) of NMOC or more per year to install a system to collect and control landfill gas.[4] The Federal Plan applies to existing MSW landfills that commenced construction, reconstruction, or modification on or before July 17, 2014, and accepted waste at any time since November 8, 1987, or have additional capacity for future waste deposition. In the rulemaking for the Federal Plan, the EPA strongly encouraged State and local agencies in jurisdictions that did not submit approvable State plans to request delegation of the MSW landfill Federal Plan so that they can have the primary responsibility for implementing and enforcing regulations affecting existing MSW landfills, consistent with the intent of Congress. The Federal Plan applies in States that have either never submitted a State plan or not received approval of any necessary revised State plan until such time as an initial State plan or revised State plan is approved. The MSW landfill Federal Plan, which takes the place of State plans where State plans are not fully approved and effective, is currently in effect in Allegheny County.

The ACHD submitted to the EPA a request dated December 12, 2022, for delegation of authority to implement and enforce the MSW landfill Federal Plan. In the same document, ACHD also

[1] See 40 CFR 62.9630.

[2] While the ACHD has an approved State plan for 40 CFR part 60, subpart Cc to implement the 1996 MSW landfill emission guidelines at 40 CFR 62.9630, the ACHD does not have a revised State plan for 40 CFR part 60, subpart Cf for the 2016 revised MSW landfill emission guidelines. 42 U.S.C. 7411(d); 40 CFR 60.27(c) and (d).

[3] *See* 86 FR 27756, 27765 (May 21, 2021).

[4] The 1996 MSW landfill emission guidelines at 40 CFR part 62, subpart Cc had set a higher threshold of 50 Mg.

requested withdrawal of the previously approved State plan of 1999 because it is no longer valid. Removal of the 1999 State plan from the Code of Federal Regulations will clarify that the delegated Federal Plan will be the implementing mechanism of the emissions guidelines. The scope of the request includes only the geographical area of Allegheny County. On April 7, 2026, the Regional Administrator for EPA Region III signed a Memorandum of Agreement (MoA) which is the mechanism for the transfer of authority between the EPA and the ACHD and defines the policies, responsibilities and procedures by which the ACHD will implement and enforce the Federal Plan for existing MSW landfills. According to the MoA, the EPA will retain the authorities reserved to the EPA at 40 CFR 62.16710, and per the MoA the EPA also retains a concurrence role as to the ACHD's approval of gas collection and control system (GCCS) design plans. The EPA is proposing to approve the ACHD request for delegation of authority to implement and enforce the MSW landfill Federal Plan found at 40 CFR part 62, subpart OOO and to adhere to the terms and conditions prescribed in the MoA signed by the EPA and the ACHD, as explained further in this action. The purpose of this MSW landfill Federal Plan delegation is to transfer primary implementation and enforcement responsibility from the EPA to the ACHD for all existing landfills within the jurisdiction of Allegheny County. However, nothing in this action, nor in the MoA, shall be construed to prohibit the EPA from enforcing the MSW landfill Federal Plan.

II. Summary of Action and EPA Analysis

The EPA evaluated the ACHD's December 12, 2022 request for delegation pursuant to the requirements described in the MSW landfill Federal Plan preamble and the EPA's Delegation Manual.[5] The EPA also acknowledged the ACHD's request to withdraw the 1999 MSW landfill State plan, which is no longer effective as a result of the 2016 revisions to the MSW landfill emission guidelines.[6]

As explained in the rulemaking for the MSW landfill Federal Plan, a State's request for delegation of authority to implement must: (1) demonstrate that the State or tribe has adequate resources, as well as the legal authority, to administer and enforce the program; (2) include an inventory of designated MSW landfills, which includes those that have ceased operation, but have not been dismantled or rendered inoperable, and an inventory of the designated units' air emissions; (3) certify that a public hearing was held on the State or tribal delegation request; and (4) include a memorandum of agreement between the State or Tribe and the EPA that sets forth the terms and conditions of the delegation, the effective date of the agreement, and the mechanism to transfer authority.[7]

Under the EPA's Delegation Manual, item 7–139, the Regional Administrator is authorized to delegate implementation and enforcement of CAA section 111(d) Federal Plans to States. The Regional Administrator may consider delegating authority to implement and enforce Federal Plans to a State provided the following conditions are met: (1) the State does not already have an EPA approved State plan; (2) the State submits a demonstration of adequate resources and legal authority to administer and enforce the Federal Plan; and (3) the State enters into an MoA with the Regional Administrator that sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority.

Along with the December 12, 2022 letter requesting delegation, the ACHD submitted a demonstration of adequate resources and legal authority, an inventory of the MSW landfills in Allegheny County subject to the Federal Plan and their emissions, and a certification that the ACHD held a public hearing on the delegation request.

The ACHD demonstrated that its air agency has the requisite authority and resources to administer and enforce the Federal Plan. The ACHD's legal authority to support delegation of the Federal Plan is adequately addressed in section III of this document of the formal request for delegation submitted by the ACHD. Additionally, the ACHD certified that it has adequate staffing levels and divisional resources to implement and enforce the requirements of 40 CFR part 62, subpart OOO. According to the submitted inventory, the ACHD has three (3) existing MSW landfill facilities, as defined under 40 CFR 62.16711, that are subject to the Federal Plan. The formal request for delegation included a request from the ACHD to withdraw their previously approved MSW Landfill State plan.[8] The ACHD held a public hearing on July 11, 2022 for the Request of Delegation of Authority to Implement the Federal Plan for MSW Landfills. Notice of the public hearing was given by publication in a newspaper of general circulation on June 9, 2022. No comments were received during the public hearing or during the public comment period. After consideration of these materials, the EPA determined that the request letter and attached documents adequately fulfilled the State delegation criteria outlined in Federal Plan's final rule, section VI, D., Delegation of the Federal Plan and Retained Authorities.[9]

In parallel with our review of the delegation request, the EPA prepared the MoA which defines the policies, responsibilities, and procedures by which the MSW landfill Federal Plan will be administered and enforced by both the ACHD and the EPA. The MOA describes the ACHD's specific role in program implementation, provides an overview of how EPA will provide assistance and oversight to ensure consistency with 40 CFR part 62, subpart OOO, and delineates which authorities are and are not delegated to the ACHD.

The EPA and ACHD signed the MoA in which the parties agreed to the terms and conditions regarding the policies, responsibilities, and procedures for the implementation and enforcement of the delegated MSW landfill Federal Plan. The MoA is the mechanism for the transfer of authority from the EPA to the ACHD. The MoA became effective upon signature by the EPA on April 7, 2026, and satisfies EPA Delegation, item 7–139.

The ACHD has met all the EPA's delegation requirements as described above. The reader may view the ACHD letter to the EPA requesting delegation and the MoA signed by both parties at *www.regulations.gov,* identified by Docket ID Number EPA–R03–OAR–2026–5021.

III. Proposed Action

The EPA has evaluated the ACHD delegation request submittal for consistency with the CAA, EPA regulations, and EPA policy. The ACHD has met all the requirements for obtaining delegation of authority to implement and enforce the MSW landfill Federal Plan. The ACHD entered into an MoA with the EPA, and it became effective on April 7, 2026.

[5] Item 7–139 of the EPA's Delegation Manual is entitled ''Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) Federal Plans'' and the reader may refer to it in the docket for this rulemaking at *www.regulations.gov* (see Docket ID Number EPA–R03–OAR–2026–5021).

[6] See 81 FR 59276, 59286 (August 29, 2016).

[7] See 86 FR 27756, 27766 (May 21, 2021).

[8] See 64 FR 13075, March 17, 1999.

[9] See 86 FR 27756, 27766 (May 21, 2021), and the overlapping requirements of EPA Delegation 7–139.

Accordingly, the EPA is proposing to approve the ACHD request dated December 12, 2022 for delegation of authority to implement and enforce the Federal Plan for existing MSW landfills. The EPA will continue to retain certain authorities reserved to the EPA in the MSW landfill Federal Plan, as indicated in the MoA (*e.g.,* alternative methods to determine the site-specific NMOC concentration or a site-specific methane generation rate constant (k), etc.), and as required under 40 CFR 62.16710(b). The EPA is also proposing to amend 40 CFR part 62 to reflect the ACHD's 1999 MSW landfill State plan withdrawal and the delegation of authority to the ACHD to implement and enforce the MSW landfill Federal Plan.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to delegate to a State or local agency the authority to implement a 111(d) Federal Plan so long as the delegation complies with the provisions of the CAA and applicable Federal regulations.[10] In reviewing 111(d) Federal Plan delegation requests, the EPA may approve a State's request to implement a Federal Plan, provided that it meets the criteria of the CAA and the EPA's implementing regulations. Accordingly, this action merely proposes to codify the EPA's delegation of authority to the ACHD to administer the Federal Plan and does not impose additional requirements beyond those imposed by the already applicable MSW landfill Federal Plan.

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not involve any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Plan.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action merely delegates to a local agency the authority to administer the already applicable MSW landfill Federal Plan.

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

This action does not have tribal implications as specified in Executive Order 13175. This is because this action merely delegates administration of the MSW landfill Federal Plan to the local agency, and the MSW landfill Federal Plan does not have tribal implications specific to any landfills under the local agency's jurisdiction. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–22583 Filed 11–4–26; 8:45 am]

BILLING CODE 6560–50–P

[10] 42 U.S.C. 7411(d); 40 CFR 62.16710.

LEGAL SERVICES CORPORATION

45 CFR Part 1631

Purchasing and Property Management

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule revises the Legal Services Corporation's (LSC) definition of ''capital improvement'' by removing the threshold amount of LSC funds that must be expended on an improvement to real estate for the expenditure to qualify as a capital improvement. The proposed amendment would distinguish the definition of a capital improvement from the monetary thresholds required for prior approval; promote consistent tracking and oversight of LSC funds used for capital improvements; and strengthen accountability for LSC funds invested in recipients' real property.

DATES: Comments must be submitted by 11:59 p.m. Eastern on December 21, 2026.

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

- *Email: lscrulemaking@lsc.gov.* Include ''Comments on Revision to Part 1631'' in the subject line of the message.
- *Mail:* Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006, ATTN: Part 1631 Rulemaking.

■ *Hand Delivery/Courier:* Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006, ATTN: Part 1631 Rulemaking.

Instructions: Electronic submissions are preferred via email with attachments in Acrobat PDF format. LSC will not consider written comments sent to any other address or received after the end of the comment period.

FOR FURTHER INFORMATION CONTACT: Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006; (202) 295–1599 (phone), or *nwankwoalab@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Legal Services Corporation Act of 1974 authorizes LSC to establish regulations governing the use of grant funds and to ensure appropriate stewardship of Federal resources. See 42 U.S.C. 2996g(e). LSC sets forth its procurement and property management requirements in 45 CFR part 1631.

In 2017, LSC revised parts 1630, pertaining to cost standards, and 1631 to increase the prior approval threshold from $10,000 to $25,000 to account for inflation and reduce unnecessary administrative burdens on recipients. This change also established $25,000 as the applicable threshold in all provisions governing prior approval, property, and procurement requirements. In 2022, LSC conducted a retrospective review of all regulations. It identified several additional areas within parts 1630 and 1631 that recipients and LSC staff found difficult to administer consistently or that lacked sufficient clarity for grantees and oversight staff. In 2026, LSC initiated rulemaking to resolve those inconsistencies and increase the $25,000 prior approval threshold to $50,000 in §§ 1630.3, 1630.6, 1631.8, and 1631.15. See 91 FR 23228 (Apr. 30, 2026).

During the 2026 rulemaking, however, LSC did not propose increasing the threshold in the definition of ''capital improvement'' in § 1631.2(a). Although LSC increased the threshold for obtaining prior approval for certain expenditures from $25,000 to $50,000, that amendment would not address which expenditures constitute capital improvements for purposes of part 1631. Rather, through subsequent conversations with the Office of Compliance Enforcement (OCE), LSC found that removing the threshold amount altogether would enhance LSC's ability to identify and account for all LSC funds used to improve real property. Currently, expenditures below the threshold may nevertheless constitute capital improvements and, when repeatedly made over time, could represent a significant investment of LSC funds in a recipient's real property. The $50,000 threshold for determining when prior approval is required remains separate from the definition of ''capital improvement.''

II. Remove the Threshold Amount in Definition of Capital Improvement

LSC proposes to revise the definition of ''capital improvement'' in § 1631.2(a) by removing any monetary threshold from the definition. Currently, § 1631.2(a) defines ''capital improvement'' as spending more than $50,000 of LSC funds to improve real estate through construction or the addition of fixtures that become an integral part of the real estate. LSC proposes to remove the monetary threshold so that any improvement to real estate using LSC funds constitutes a capital improvement.

LSC is undertaking this rulemaking to strengthen its oversight of LSC funds used to improve real property and ensure that recipients identify and account for such expenditures regardless of amount. The amendment also clarifies that an expenditure may constitute a capital improvement even if it does not meet the monetary threshold requiring LSC's prior approval. The character of an expenditure made with LSC funds as a capital improvement does not depend on its cost. An expenditure may improve real estate through construction or the addition of an integral fixture even when the amount of LSC funds used for that particular improvement is less than the applicable prior approval threshold.

Removing the monetary threshold from the definition would also ensure that recipients identify and account for any LSC funds used for capital improvements regardless of the amount of the individual expenditure. Under the current definition, improvements costing less than $50,000 do not constitute ''capital improvements'' for purposes of part 1631. As a result, a recipient could make multiple improvements to the same real estate over time using LSC funds, with each individual improvement falling below $50,000, without those expenditures being treated as capital improvements under the rule. For example, a recipient could expend $30,000 of LSC funds on an improvement in one year and later expend an additional $40,000 on another improvement to the same property in a different year. Although the recipient would have invested a total of $70,000 of LSC funds in improvements to the property, neither expenditure would constitute a capital improvement under the current definition.

This result is inconsistent with LSC's interest in ensuring that recipients accurately identify and account for LSC funds invested in real estate. Section 1631.15(c) requires recipients to maintain supporting documentation sufficient to accurately identify and account for any use of LSC funds to make capital improvements to real estate owned by the recipient. Removing the $50,000 threshold from the definition would make the definition consistent with that requirement and enable LSC and recipients to account for the cumulative amount of LSC funds invested in improvements to real estate over time.

The proposed amendment would also clarify the distinction between the classification and tracking of an expenditure and the requirement to obtain prior approval. Removing the dollar amount from the definition of ''capital improvement'' would not, by itself, require prior approval for every capital improvement. Rather, grantees would need to treat and track expenditures that meet the definition as a capital improvement regardless of amount. Meanwhile, the applicable provisions governing prior approval would continue to determine when a recipient must obtain LSC's approval before using LSC funds for the improvement.

This change would ensure that the regulatory definition accurately identifies the nature of the expenditure and that LSC's interest in real estate reflects LSC funds used for capital improvements, including improvements made through multiple expenditures over time.

IV. Proposed Changes

PART 1631—PURCHASING AND PROPERTY MANAGEMENT

§ 1631.2 Definitions

LSC proposes to revise the definition of ''capital improvement'' in § 1631.2(a) by removing the monetary amount of LSC funds a recipient may spend to improve real property through construction or the addition of fixtures that become an integral part of the real property.

List of Subjects in 45 CFR Part 1631

Government contracts, Grant programs—law, Legal services, Real property acquisition.

For the reasons set forth in the preamble, the Legal Services Corporation proposes to amend part 1631 of title 45 of the Code of Federal Regulations as follows:

PART 1631—PURCHASING AND PROPERTY MANAGEMENT

■ 1. The authority citation for part 1631 continues to read as follows:

Authority: 42 U.S.C. 2996g(e).

■ 2. Amend § 1631.2 by revising paragraph (a) to read as follows:

§ 1631.2. Definitions.

(a) Capital improvement means spending any amount of LSC funds to improve real estate through construction or the addition of fixtures that become an integral part of real estate.

* * * * *

Dated: November 3, 2026.

Stefanie Davis

Deputy General Counsel and Ethics Officer, Legal Services Corporation.

[FR Doc. 2026–22650 Filed 11–4–26; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 248

[Docket Number MARAD–2026–0728]

RIN 2133–AC01

Deepwater Port Application Processing and Licensing

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: This document proposes procedures for the processing of applications for the licensing of deepwater ports. The proposed rule reflects the transfer of deepwater port license application processing management under the Deepwater Port Act from the United States Coast Guard (USCG) to MARAD. Pursuant to the National Defense Authorization Act for Fiscal Year 2026 (2026 NDAA), MARAD is the Federal lead agency for purposes of the National Environmental Policy Act of 1969 (NEPA) for all deepwater port license applications. USCG responsibility for authorities pertaining to design, construction, equipment, operation of deepwater ports, and navigational safety are not affected by the 2026 NDAA statutory changes, or this proposed rule and will continue to be administered by USCG.

DATES: Comments should be filed on or before January 4, 2027. Late comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0728 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Search for the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. If you would like to know that your comments reached the facility, please enclose a stamped, self-addressed postcard or envelope. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

Note: MARAD recommends that you include your name, mailing address, email address, or telephone number in the body of your document so that MARAD can contact you if we have questions regarding your submission. If you submit your input by mail or hand-delivery, it must be submitted in an unbound format, no larger than 8½ by 11 inches, single-sided, suitable for copying and electronic filing. All submissions received should include the agency name and ''DOT Docket Number'' or Regulation Identifier Number (RIN) for this rulemaking.

Instructions: All comments received will be posted without change to the docket at *https://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Efrain Lopez, Office of Deepwater Port Licensing and Port Conveyance by phone at (202) 495–8867, email: *efrain.lopez@dot.gov,* or mail addressed to U.S. Department of Transportation, Maritime Administration, MAR–530, 1200 New Jersey Avenue SE, Washington, DC 20590. If you have questions about viewing the docket, call the Docket Management Facility, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

As required by 5 U.S.C. 553(b)(4), this document, including a summary of the rule, and all comments may be viewed online through the Federal eRulemaking portal at *https://www.regulations.gov.* An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at *https://www.federalregister.gov.*

Privacy Act information. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, or other entity). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

Background

MARAD and USCG have worked collaboratively to process Deepwater Port applications since the agencies began jointly processing applications in 1997. However, as required by the 2026 NDAA, MARAD and USCG are realigning their review responsibilities, with MARAD leading the application review process and conducting NEPA reviews of project applications.

The Deepwater Port Act of 1974, as amended (DWPA, 33 U.S.C. 1501 *et seq.*), establishes a licensing system for the ownership, construction, and operation of oil and liquefied natural gas (LNG) deepwater ports located beyond State seaward boundaries. Deepwater ports are fixed or floating facilities used as terminals to transfer oil or natural gas to or from shore via sub-sea pipeline to load or unload onto carrier vessels for the import or export of oil or LNG.

The DWPA vests licensing authority in the Secretary of Transportation. Shortly after the enactment of the statute, the Secretary delegated the authority to process applications and issue regulations to USCG, but reserved the authority to issue, transfer, and amend deepwater port licenses (40 FR 43901, 43906 (Sept. 24, 1975)). As a result, USCG issued DWPA implementing regulations at 33 CFR parts 148, 149, and 150 (40 FR 52339, 52540 (Nov. 10, 1975)). In 1997, the Secretary delegated to MARAD the authority to work in coordination with USCG to process deepwater port applications (62 FR 11382, 11383 (Mar. 12, 1997)). In 2003, the Secretary delegated to the Maritime Administrator the Secretary's authority to issue, transfer, and amend deepwater port licenses (68 FR 36496, 36497 (June 18, 2003)). This delegation did not change the previous delegation of license processing functions to USCG, and its authorities under the DWPA remained intact upon its transfer to the Department of Homeland Security

under sections 888 and 1512(d) of the Homeland Security Act (Pub. L. 107–296, Sections 888 and 1512 (Nov. 25, 2002)). Section 7342 of subtitle E of title LXXIII of the 2026 NDAA (Pub. L. 119–60 (Dec. 18, 2025)) amended the DWPA by designating MARAD as the Federal lead agency for the purposes of NEPA compliance and directed the Commandant of the USCG to transfer its authorities under 33 CFR part 148 to the Secretary of Transportation and to retain responsibility for authorities pertaining to the design, construction, equipment, and operation of deepwater ports and navigational safety.

Discussion

Pursuant to Section 7342 of the 2026 NDAA, 33 CFR part 148 functions, as well as rulemaking authority, were transferred from the USCG to the Secretary of Transportation. Executive Order (E.O.) 14154, *Unleashing American Energy,* sets a national policy for the efficient administration of licensing and permitting regimes that govern the development of domestic energy resources and directs Federal agencies to review their regulations and processes to promote this policy. Since passage of the 2026 NDAA, MARAD and USCG have evaluated the deepwater port licensing process considering decades of experience jointly reviewing license applications and determined that license application processing functions should be consolidated and realigned so that MARAD, the license issuing agency, would lead the application review process for deepwater port licenses. MARAD and the USCG have concluded that the consolidation and realignment of processing functions would help clarify and streamline the application review process, leading to greater efficiency in the issuance of licensing decisions.

Under the proposed realignment, MARAD would serve as the lead agency for conducting environmental review of applications under 33 U.S.C. 1504(f) and NEPA, manage application processing, and assume rulemaking authority over application processing under 33 U.S.C. 1504(a). USCG would retain responsibility for authorities pertaining to risk and consequence assessments (currently 33 CFR 148.105(y)) and navigational safety, design, construction, equipment, and operation of deepwater ports (33 CFR parts 149 and 150). To carry out this realignment, MARAD proposes to adopt the provisions of 33 CFR part 148 pertaining to the application processing and environmental review criteria as well as revisions to Part 148 proposed by USCG's Notice of Proposed Rulemaking (2015 NPRM) published on April 9, 2015 (80 FR 19118), which were intended to clarify existing application requirements.

MARAD conducts environmental reviews for deepwater port applications consistent with the Supreme Court's decision in *Seven County Infrastructure Coalition* v. *Eagle County, Colorado* and its progeny.[1] Consistent with the requirements of 42 U.S.C. 4336a(b), if a proposed action will require action by more than one Federal agency, MARAD and the cooperating agencies evaluate the proposal in a single environmental document. MARAD proposes to add a new section 248.44, *How will environmental reviews be conducted?,* to reflect the agency's approach to conducting these reviews. MARAD seeks comment on whether further changes to the regulatory text are needed consistent with the Court's decision in *Seven County.*

Public Participation

MARAD encourages public participation in this rulemaking by submitting comments and related materials.

How long do I have to submit comments?

MARAD provides a 60-day comment period for this proposed rulemaking. Comments must be submitted on or before the date indicated in the **DATES** section at the beginning of this document.

How do I prepare and submit comments?

Comments may be submitted to the docket electronically by logging onto the Docket Management System website at *https://www.regulations.gov,* searching for this rulemaking by the DOT Docket Number listed above and following the online instructions for submitting comments. MARAD will also accept comments via mail or hand-delivery to the Docket Management Facility at the address given above under **ADDRESSES**.

All comments, no matter how they are received, will be posted to the docket following DOT rulemaking procedures. To ensure that your comments are correctly filed in the docket, please include the DOT Docket Number shown at the beginning of this document in your comments.

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, MARAD encourages you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *https://www.opm.gov/information-management/information-quality-guidelines/.* DOT's guidelines may be accessed at *https://www.transportation.gov/sites/dot.gov/files/docs/regulations/513/dot-information-quality-guidelines-2019.pdf.*

How can I be sure that my comments were received?

For electronic comments: Comments submitted electronically at *https://www.regulations.gov* will be reflected on the docket typically within three business days.

For mailed comments: If you wish for the Docket Management Facility to notify you upon receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail. All comments received by the Docket Management Facility will be posted to the electronic docket typically within five business days.

How do I submit 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 to the rule 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 rule, 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 and make your submission via email to *Rulemakings.MARAD@dot.gov.* MARAD will treat such marked submissions as confidential under the FOIA, and they will be redacted or omitted in their entirety, as appropriate, from the public docket of this rule. In addition, to assist our proper management of your CBI/PROPIN comment submission, MARAD recommends that you submit a version of your confidential comment from which you have redacted the sensitive information. Doing so will assist

[1] *Seven Cnty. Infrastructure Coal.* v. *Eagle Cnty., Colorado,* 145 S. Ct. 1497 (2025); see also *Sierra Club* v. *FERC,* 145 F.4th 74, 88–9 (D.C. Cir. 2025). The Court in *Seven County* determined that analysis beyond the direct regulatory impact at issue is not required in an EIS.

MARAD in posting a redacted version of your comment to the docket and it will allow for MARAD to rely on the substantive content of your comment in developing the rulemaking. A redacted submission will also assist any review under a relevant FOIA request where the submission may be considered responsive information. Any comments MARAD receives that are not specifically designated as CBI/PROPIN will be placed in the public docket for this rulemaking.

May I submit comments anonymously?

All comments on this rulemaking, whether submitted to *regulations.gov* or by mail or hand-delivery to the Docket Management Facility at DOT, may be made anonymously. It is not necessary to identify yourself when submitting comments on the rule. Because public comments are generally posted to the public docket without change, MARAD recommends that information of a personal nature that the commenter (or the involved party, if not the commenter) does not want to be made public not be submitted in response to the request for public comment on this rule. MARAD notes that under the FOIA, information is exempt from public disclosure if disclosure would constitute a clearly unwarranted invasion of personal privacy. If your comments contain personal information relevant or responsive to this rule but disclosure of the information would be a clearly unwarranted invasion of personal privacy, it is important that you clearly designate the submitted comments as confidential.

Anonymous submissions containing confidential information should be sent to MARAD via email to *Rulemakings.MARAD@dot.gov* with the term ''CONFIDENTIAL'' in the subject heading and on each page containing confidential information. In addition, to assist our proper management of your comment submission, MARAD recommends that you submit a version of your confidential comment from which you have redacted the confidential information. This will allow MARAD to post the redacted version of your comment to the docket without attribution to you or your organization and allow MARAD to rely on the substantive content in developing the rulemaking. It will also assist any review under a relevant FOIA request where your submission may be considered responsive information.

Will the agency consider late comments?

MARAD will consider all comments received via *regulations.gov* and mail or hand-delivery to the Docket Management Facility before the close of business on the comment closing date indicated above under **DATES**. To the extent practicable, MARAD will also consider comments received after that date.

How can I read the comments submitted by other people?

You may read comments in the docket for this rulemaking online by going to *https://www.regulations.gov* and following the instructions for accessing the docket or by searching for the DOT Docket Number available at the beginning of this document and under the **ADDRESSES** section. You may also read physical copies of the publicly available comments received by the Docket Management Facility at the address given above under **ADDRESSES**. The hours of the Docket Management Facility office are indicated above in the same section.

Please note that, even after the comment closing date, MARAD will continue to file relevant information in the docket as it becomes available. Further, some people may submit late comments. Accordingly, MARAD recommends that you periodically check the docket for new material.

Regulatory Analyses and Notices

Executive Order 12866

This proposed rule has been determined to be ''significant'' pursuant to Section 3(f) of E.O. 12866 and was therefore reviewed by the Office of Management and Budget (OMB).

Need for the Regulation

Section 7342 of 2026 NDAA designated MARAD as the Federal lead agency for the purposes of NEPA compliance and directed the Commandant of the USCG to transfer its authorities under 33 CFR part 148, governing the deepwater port license application process and environmental review, to the Secretary of Transportation and to retain responsibility for authorities pertaining to the design, construction, equipment, and operation of deepwater ports and navigational safety. The proposed regulation would largely adopt and replace the provisions of 33 CFR part 148 pertaining to deepwater port license application submittal and processing and environmental criteria for application review. MARAD and USCG have concluded that the consolidation and realignment of application processing functions under MARAD would streamline the application review process, leading to greater efficiency in the issuance of licensing decisions in furtherance of E.O. 14154's policy for the efficient administration of licensing and permitting regimes that govern the development of domestic energy resources and directs Federal agencies to review their regulations and processes to promote this policy

Baseline

Under the no action baseline, applicants for deepwater port licenses are subject to USCG regulations found at 33 CFR part 148, rather than regulations issued by MARAD.

Costs

This proposed rule would update existing MARAD administrative responsibilities reflecting the transfer of deepwater port NEPA review and compliance functions from USCG to MARAD.

NEPA responsibilities for deepwater port license applications were transferred from USCG to MARAD by statute. As a result, the NPRM does not impose new or additional NEPA compliance requirements or costs on applicants for deepwater port licenses; rather, the proposed rule would simply reassign Federal responsibilities with regard to NEPA review. Although there would likely be transactional and adminstrative adjustments concerning correspondence, *e.g.,* interacting with new points of contact and familiarization with MARAD's internet site concerning NEPA requirements, the adjustments are expected to be minor and temporary because MARAD is adopting USCG's regulations in 33 CFR part 148. Additionally, MARAD proposes to adopt clarifying amendments proposed by USCG's April 9, 2015, Notice of Proposed Rulemaking (2015 NPRM) (80 FR 19118), which are not expected to result in increased regulatory burdens on applicants. See the *Section-by-Section Analysis* for additional information. MARAD expects that this proposed rule would result in improved efficiency and clarity regarding the permitting process.

Consolidating the application processing and NEPA review within MARAD right-sizes inter-agency communications and reviews, streamlining the processing of operators' applications by the agencies. This proposed rule also provides specific administrative flexibilities and relief. It replaces previous agency-driven extensions with a process where timelines are suspended only upon request by the applicant when responding to additional information requests. The rule also allows applicants to submit existing hydrographic and

engineering geological survey data collected within the previous 5 years (or longer with MARAD approval) rather than forcing new, expensive offshore surveys. It also amends 33 CFR 148.115 to require only one printed copy and one electronic copy, eliminating multi-copy physical filing burdens (currently multiple copies in different formats to the USCG, MARAD, and the U.S. Army Corps of Engineers). In addition, the proposed rule removes unused regulatory definitions and eliminates obsolete procedures (such as Adjacent Coastal State designation petitions under 33 CFR 148.217 that were repealed by statute).

MARAD is unable to estimate the expected cost savings for operators. MARAD requests comment on the potential direct savings operators may experience based on compliance costs, applications processing, and other aspects of this proposed rule.

Costs to MARAD consist of the incremental monetary and non-monetary expenses that would be incurred as MARAD undertakes the responsibilities mandated by the 2026 NDAA and reflected in the proposed regulation. The costs include (but are not limited to) application completeness review, attendance at public meetings/hearings, government travel costs, and development of the NEPA and other environmental documents. Although MARAD expects that administrative efficiency would result in a reduction in these costs, it is unable to estimate the amount that would be saved.

Transfers

The DWPA requires applicants to remit a a nonrefundable application fee (with the amount established by regulation) and to reimburse the government for all costs in processing applications (see 33 U.S.C. 1504(h)(1)). Current USCG regulations at 33 CFR 148.125 set the application fee at $350,000, and the proposed regulation would maintain the same fee level. Due to the reimbursement requirement, however, the total cost to the Government of processing applications would continue to effectively be borne by the applicants and are not expected to change as a result of the transfer of responsibilities from USCG.

Benefits

The elimination of duplicative agency application processing functions, resulting in reduced statutory processing cost reimbursement obligations borne by applicants, is in the national interest and consistent with national security, energy sufficiency, environmental quality, and other national policy goals and objectives. The benefits of this NPRM would ensure that deepwater port applications are reviewed and processed, and a license determination is made, all within one Department. With this new authority, MARAD would continue to work to ensure that deepwater ports, as United States maritime transportation systems, are well designed, safe, secure, and approved in a timely manner.

Summary

The proposed rule reflects the transfer of deepwater port license application processing management under the DWPA from USCG to MARAD. USCG responsibility for authorities pertaining to the design, equipment, construction, operation of deepwater ports, and navigational safety are not affected by this NPRM and would continue to be administered by USCG. The NPRM provides procedures for processing applications, including NEPA review, for the licensing of deepwater ports, which are any fixed or floating manmade structure other than a vessel, or any group of such structures, that are located beyond State seaward boundaries and that are used or intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to or from any State. The rule would clarify agency functions, eliminate duplicative interagency communication requirements, incorporate statutory changes, and allow both MARAD and USCG to focus exclusively on areas of core technical expertise.

Executive Order 14192

E.O. 14192 requires that for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.'' Implementation guidance for E.O. 14192, issued by OMB (Memorandum M–25–20, March 26, 2025), defines an E.O. 14192 deregulatory action as ''an action that has been finalized and has total costs less than zero.'' A determination of whether this proposed rule is considered a deregulatory action under the requirements of Executive Order 14192 and OMB Memorandum M–25–20 will be made when any final rule in this rulemaking is issued.

Executive Order 13132

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in E.O. 13132, *Federalism,* and has determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rulemaking, which reflects the transfer of deepwater port application processing management, clarifies agency functions, including Federal lead NEPA review and compliance, and incorporates statutory changes to the DWPA since the deepwater port regulations were last published in 2006, would have no substantial effect on the States, the current Federal-State relationship, or the current distribution of power and responsibilities among the various local officials. The proposed rule would apply to deepwater ports only in waters beyond the territorial limits of the United States (33 U.S.C. 1501(a)(1)). As regulation of these deepwater ports is beyond State seaward boundaries, this proposed rule would not preempt State law.

Executive Order 13175

This rulemaking, in which MARAD proposes to transfer deepwater port license application processing management under the DWPA from the USCG to MARAD, would not significantly or uniquely affect the communities of Indian Tribal governments when analyzed under the principles and criteria contained in E.O. 13175. Therefore, the funding and consultation requirements of E.O. 13175 do not apply.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, whenever an agency is required to publish a NPRM for public comment, it must prepare and make available for public comment an initial regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations and small governmental jurisdictions), unless the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. Agencies must also provide a statement of the factual basis for this certification.

For the following reasons, the Maritime Administrator certifies that this rulemaking action would not have a significant economic impact on a substantial number of small entities. The new MARAD regulations would, if adopted, act only to reflect the transfer of existing responsibilities from USCG to MARAD, clarify agency functions, and incorporate statutory changes to the DWPA since the deepwater port regulations were last updated in 2006. The rule would place no new substantive requirements on deepwater

port applicants. Accordingly, the rule would not have a significant economic impact on small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 requires agencies to evaluate whether an agency action would result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $212 million or more (as adjusted for inflation in 2026) in any one year, and if so, to take steps to minimize these unfunded mandates. This rulemaking would not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It would not result in costs of $212 million or more to either State, local, or Tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

National Environmental Policy Act

Pursuant to 49 CFR 1.81, the Secretary has delegated the ''functions'' under NEPA to the Administrators ''as they relate to the matters within the primary responsibility of each Operating Administration.'' MARAD has determined that this proposed rule is categorically excluded pursuant to DOT Order 5610.1D, subpart C, section (e)(3). A categorical exclusion (CE) is an action identified in an agency's NEPA procedures that does not normally have a significant impact on the environment and therefore does not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* DOT Order 5610.1D, section 9. In analyzing the applicability of a CE, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* at section 9(b). MARAD may utilize its own CEs, in addition to CEs listed in DOT Order 5610.1D Appendix A or another Operating Administration's CEs, using the procedures described in DOT Order 5610.1D, section 9, and subpart C, section (e). This rule titled, *Deepwater Port Application Processing and Licensing,* is categorically excluded pursuant to DOT Order 5610.1D, subpart C, section (e)(3): ''Internal orders and procedures not required to be published in the **Federal Register**, promulgation of rules, regulations, directives, and amendments thereto which do not require a regulatory impact analysis under section 3 or do not have a potential to cause a significant impact on the environment. . . .'' This rule would only reflect the transfer of deepwater port license application processing management under the Deepwater Port Act from the United States Coast Guard (USCG) to MARAD and so does not have the potential to cause a significant impact on the environment. MARAD does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Privacy Impact Assessment

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, div. H, 118 Stat. 2809 at 3268) requires DOT and certain other Federal agencies to conduct a privacy impact assessment of each proposed rule that will affect the privacy of individuals. This rulemaking does not result in personally identifiable information (PII) being collected or maintained in a Government-run website or IT system. Therefore, MARAD did not conduct a Privacy Impact Assessment.

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) requires that DOT consider the impact of paperwork and other information collection burdens imposed on the public. Notwithstanding any other provision of law, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number.

Section-by-Section Analysis

MARAD provides the following section-by-section analysis of the revisions it proposes to make to those provisions currently found at 33 CFR part 148, which MARAD would adopt in 46 CFR part 248. Where indicated below, MARAD would adopt many of the USCG's proposed amendments to 33 CFR part 148 published in its 2015 NPRM.

A—General Provisions

§ 248.3 What Federal agencies are responsible for implementing the Act? MARAD would clarify that it is now the sole agency responsible for processing deepwater port applications under the Act, as required by statute, and would identify the Federal cooperating agencies with related permitting and authorization responsibilities for deepwater ports.

§ 248.4 How are terms used in this part defined? MARAD would eliminate defined terms found at 33 CFR 148.5 that do not appear elsewhere in 33 CFR Part 148. Currently, 33 CFR 148.5 includes defined terms that are used only in 33 CFR Parts 149 and 150. MARAD proposes to omit such terms. MARAD also proposes to adopt the revisions to defined terms proposed in the 2015 NPRM. *See* Table 1, Changes for 33 CFR Subchapter NN, 80 FR 19120–19121.

§ 248.4(m) *Construction.* MARAD would revise this definition to make it consistent with the statutory definition found at 33 U.S.C. 1502(7).

§ 248.4(t) *Engineering geological survey.* MARAD would adopt the proposed revised definition from the 2015 NPRM clarifying that the necessary analysis considers all geological factors and is not limited to hydrographics. This change will reduce the need for applicants to, as is currently the case, submit additional information as a supplement under 33 CFR 148.107.

§ 248.4(v) *Lease block.* MARAD would revise this definition to simplify statutory citations.

§ 248.4(aa) *Maritime Administrator or MARAD.* MARAD would update its address provided in 33 CFR 148.5.

§ 248.4(cc) *Mile.* MARAD would adopt the proposed clarification from the 2015 NPRM that *mile* refers to nautical mile.

§ 248.4(jj) *Pipeline.* MARAD would add a definition for *pipeline* that mirrors the definition of that term used by the Pipeline and Hazardous Materials Administration (PHMSA).

B—Application for a License

§ 248.5 What must I include in my application?

§ 248.5(d) *Citizenship and operating authority.* MARAD would provide an affidavit of U.S. citizenship template that an applicant would use to evidence that it qualifies as a citizen of the United States as defined by 33 U.S.C. 1502(4). MARAD has made affidavit templates available upon request of prospective applicants but proposes to provide a form of affidavit for corporations within the text of the 46 CFR 248.5. MARAD would clarify that an applicant may adapt the affidavit to reflect types of business formation or associations other than corporations.

§ 248.5(j) *Identification of lease block.* MARAD would adopt the 2015

NPRM's proposed clarification to 33 CFR 148.105(k) providing an alternative to the use of a professional surveyor when identifying each lease block where any part of a proposed deepwater port is located. 80 FR 19122.

§ 248.5(l) *Site plan for marine components.* MARAD would adopt the 2015 NPRM's proposed revisions to 33 CFR 148.5(m) clarifying that anchorages and mooring areas can be used during a deepwater port's construction as well as after it becomes eligible. We would delete some survey specifications found at 33 CFR 148.5(m)(2) because MARAD describes the specific information required in the license conditions for individual deepwater ports. We would allow use of older hydrographic data, with MARAD approval, so long as newer data is provided for any specific locations having a high degree of hydrographic variability. We would further require applications to include MetOcean data, which is essential for analyzing a proposed deepwater port's environmental impact.

§ 248.5(m) *Engineering geological survey data.* MARAD would adopt the 2015 NPRM's proposed revision to 33 CFR 148.105(n) clarifying that full geological information, not just soil data, is essential for analyzing a proposed deepwater port's environmental impact.

§ 248.5(r) *Refurbished Outer Continental Shelf facilities and co-located fixed offshore components.* MARAD would adopt the 2015 NPRM's proposed revision to 33 CFR 148.105(s) clarifying that information about the methods the applicant expects to use in regasifying natural gas prior to transmission is essential for analyzing a proposed deepwater port's environmental impact. This change will reduce the need for applicants to, as is currently the case, submit this additional information as a supplement under 33 CFR 148.107.

§ 248.5(s) *Information on offshore pipelines.* MARAD would adopt the 2015 NPRM's proposed revision to 33 CFR 148.105(t) encouraging applicants to consult with PHMSA to help facilitate the applicant's ability to comply with PHMSA requirements for pipeline safety.

§ 248.5(x) *Risk and consequence assessment.* MARAD would encourage applicants to consult USCG to ensure that appropriate risk and consequence assessment procedures are used.

§ 248.5 (aa) *Applicable environmental permits and authorizations.* MARAD would clarify that applicants submit copies of filed applications or draft applications for permits or other authorizations under the Clean Air Act, Clean Water Act, Coastal Zone Management Act, Rivers and Harbors Act, and other applicable environmental standards. MARAD would provide examples of relevant Federal permits and authorizations.

§ 248.5(dd) *MARPOL.* MARAD would adopt the 2015 NPRM's proposed clarification adding language for the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention, and as further modified by the Protocol of 1997.

§ 248.6 What additional information may be required? This section describes the process MARAD would follow in those cases where an applicant is required to provide additional information that MARAD deems necessary to process an application. The proposed 46 CFR 248.6 would replace the procedure provided at 33 CFR 148.107 under which MARAD extended the application review period upon the recommendation of the Commandant (CG–5P).

The process MARAD would follow is the process established by Sec. 3514 of Public Law 118–31 (Dec. 22, 2023), which amended 33 U.S.C. 1504 by providing applicants subject to a MARAD request for additional information with the right to request a technical assistance meeting with MARAD. MARAD proposes that it would suspend the application review timeline only upon the request of an applicant in the event an applicant needs additional time to submit required information previously requested by MARAD. MARAD also specifies that an application would be denied due to insufficient information to process the application only if an applicant does not submit the required information within the statutory review period (as tolled by approved suspension requests under 46 CFR 248.6(d)).

MARAD would provide a procedure for an applicant that has received a request for additional information from MARAD to request a meeting for technical assistance with MARAD personnel and representatives of any cooperating Federal agency MARAD determines to be relevant with respect to the application.

§ 248.9 How many copies of the application must I send and where must I send them? MARAD would amend the application submission procedures described at 33 CFR 148.115 by requiring applicants to submit one printed copy and one electronic copy to MARAD.

C—Processing Applications

§ 248.14 What must I do if I need to change my application? MARAD would amend the application change procedures found at 33 CFR 148.211 to clarify that MARAD may require the applicant to submit an amended application in the event the information in the application changes, becomes incomplete, or becomes inaccurate.

§ 248.16 May I resubmit my application? MARAD would provide a procedure for an applicant to resubmit a previously withdrawn application.

E—Formal Hearings

§ 248.21 What if a formal evidentiary hearing is necessary? MARAD would replace the evidentiary hearing procedures prescribed by the USCG at 33 CFR 148.228–256, which govern such hearings under USCG procedures, with procedures prescribed by MARAD in accordance with 5 U.S.C. 554. The proposed use of procedures prescribed pursuant to 5 U.S.C.554 will not differ in any substantive way from the current procedures.

F—Approval or Denial of the Application

§ 248.22 What is the timeline for approving or denying an application? MARAD would provide additional information about publishing a notice of availability of the final environmental impact statement to the description of the application review timeline currently found at 33 CFR 148.276.

§ 248.23 How may Federal agencies and States participate in the application process? MARAD would add a subparagraph to the provisions found at 33 CFR 148.277 clarifying the deadline for Governors of Adjacent Coastal States to submit their approval or disapproval of an application. MARAD would accept Governors' decisions only within the 45-day period after the close of the final public hearing on the application and not before the final public hearing.

MARAD would not adopt the provisions found at 33 CFR 148.217 providing procedures for designating an Adjacent Coastal State upon request of a State because the right to make such a designation request was repealed by Public Law 118–31, Sec. 3514(k)(k)(6)(A) (Dec. 22, 2023).

§ 248.24 What are the criteria for approval or denial of an application? MARAD would include the list of statutory criteria for deepwater port license approval in this section.

§ 248.26 When may the application process be stopped and an application be treated as withdrawn? MARAD would clarify that conditions for

stopping the application process and treating an application as withdrawn found at 33 CFR 148.283 include when an applicant fails to provide information necessary, in a timely fashion, to complete an environmental impact statement.

H—Site Evaluation and Pre-Construction Testing

§ 248.34 What are the procedures for notifying MARAD of proposed site evaluation and pre-construction testing? MARAD would clarify that MARAD, and not the USCG, is responsible for administering the provisions governing site evaluation and pre-construction testing. MARAD would adopt the clarification on guidelines for geological and geophysical surveys as proposed in the 2015 NPRM.

I—Exemption From or Adjustments to Requirements

46 CFR 248.38—248.40. MARAD would clarify that MARAD, and not the USCG, is responsible for administering the provisions governing exemptions from the requirements of the proposed subchapter.

J—Oil Pollution Act of 1990 Limits of Liability for Deepwater Ports

§ 248.41 Where can I find the Oil Pollution Act of 1990 (OPA 90) limits of financial liability for deepwater ports? MARAD adopt the 2015 NPRM's proposed amendment to 33 CFR 148.600 providing additional information about deepwater port financial liability limits under OPA 90.

§ 248.42 What are the procedures under OPA 90 for adjusting a deepwater port's limit of liability under 33 U.S.C. 2704(d)(2)? MARAD would clarify that USCG retains the authority to lower the applicable OPA 90 limit of liability upon an applicant or licensee's request and would direct applicants to submit such requests to the Commandant (CG–5P).

K—Environmental Review Criteria for Deepwater Ports

§ 248.46 What type of criteria will be used in an environmental review and how will they be applied? MARAD would adopt the 2015 NPRM's proposed amendment to 33 CFR 148.700 setting forth the list of resource areas which will be considered in the environmental impact analysis to include, without being limited to, threatened species, marine protected areas, marine, coastal and migratory birds, marine mammals, and fisheries. This change will reduce the need for applicants to, as is currently the case, submit additional information as a supplement under 33 CFR 148.107.

§ 248.49 What environmental conditions must be satisfied? MARAD would adopt the 2015 NPRM's proposed amendment to 33 CFR 148.715 providing applicants with more complete information about the scope of environmental evaluation.

Collection of Information

MARAD invites the public to comment on its intention to request Office of Management and Budget (OMB) approval of a new information collection in accordance with the PRA, given the transfer of responsibilities from USCG to MARAD. The proposed collection entitled Deepwater Port Application Processing and Licensing Information is necessary for MARAD to identify qualified applicants, secure all necessary information to ensure the development and submission of an EIS; issue a Record of Decision (ROD); and if an applicant is approved and fulfills all of the conditions set forth in the ROD, to issue a Deepwater Port License to own, operate, and construct a deepwater port in accordance with the DWPA.

MARAD is required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies. Comments must be submitted following the directions in the **DATES** and **ADDRESSES** sections above.

Title: Deepwater Port Application Processing and Licensing Information.

OMB Control Number: Proposed.

Type of Request: New.

Abstract: This collection will allow MARAD to administer the DWPA. MARAD will evaluate the information collected from respondents to ensure the proposed deepwater project complies with NEPA and also determine if the appropriate technical and financial data is provided for the issuance of a deepwater port license.

Respondents: Oil and gas import and export enterprises, oil and gas producers and suppliers.

Affected Public: Members of the public, adjacent coastal States, and members of the oil and gas industry.

Estimated Number of Respondents: 2 once annually.

Estimated Number of Responses: 2 once annually.

Estimated Hours per Response: 5,232 hours to complete all aspects of the application process (*i.e.,* the application and administrative requirements (1200 hours), environmental review and analysis (3,000 hours), and technical and supplemental submission (1,032 hours).

Annual Estimated Total Annual Burden Hours: 10,464 hours.

Frequency of Response: One time.

Total cost for all Respondents: $705,843, including an application fee of $350,000 and copying and mailing costs totaling an estimated $2,921.90.

Other Costs to Industry: For applicant lawyers, environmental engineers, and environmental technologists and technicians to complete all components of the application process is $770,952.64.

MARAD welcomes public comments and feedback from the industry regarding the cost estimates. MARAD will consider all comments received as indicated in the above **DATES** section. In addition, public comments will be accepted and considered during both this 60-day and a later 30-day **Federal Register** notice period.

List of Subjects in 46 CFR Part 248

Administrative practice and procedure, Environmental protection, Ports, Harbors, Petroleum.

For the reasons stated in the preamble, MARAD proposes to amend 46 CFR ch. II, subch. B by adding part 248 to read as follows:

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES MARITIME INTERESTS

Subpart H—Deepwater Ports

PART 248—DEEPWATER PORT APPLICATION PROCESSING AND LICENSING

Sec.

A—General Provisions

248.1 What is the purpose of this part?
248.2 Who is responsible for complying with this part?
248.3 What Federal agencies are responsible for implementing the Act?
248.4 How are terms used in this part defined?

B—Application for a License

248.5 What must I include in my application?
248.6 What additional information may be required?
248.7 What if a Federal or State agency or other interested party requests additional information?
248.8 How do I prepare my application?
248.9 How many copies of the application must I send and where must I send them?
248.10 What are the application fees?

C—Processing Applications

248.11 How are documents related to the application maintained?
248.12 How and where may I view docketed documents?
248.13 How is the application processed?

248.14 What must I do if I need to change my application?
248.15 How do I withdraw my application?
248.16 May I resubmit my application?
248.17 What if a port has plans for a deep draft channel and harbor?
248.18 How do I claim, or object to a claim of, privileged information?

D—Public Hearings or Meetings

248.19 When must public hearings or meetings be held?
248.20 How is a public hearing or meeting reported?

E—Formal Hearings

248.21 What if a formal evidentiary hearing is necessary?

F—Approval or Denial of the Application

248.22 What is the timeline for approving or denying an application?
248.23 How may Federal agencies and States participate in the application process?
248.24 What are the criteria for approval or denial of an application?
248.25 What happens when more than one application is submitted for a deepwater port in the same application area?
248.26 When may the application process be stopped and an application treated as withdrawn?

G—Licenses

248.27 What is included in a deepwater port license?
248.28 Who may consult with MARAD on developing the proposed conditions of a license?
248.29 How long does a license last?
248.30 How is a license amended, transferred, or reinstated?
248.31 How is a license enforced, suspended, or revoked?
248.32 How soon after deepwater port decommissioning must the licensee initiate removal?

H—Site Evaluation and Pre-Construction Testing

248.33 What does this subpart do?
248.34 What are the procedures for notifying MARAD of proposed site evaluation and pre-construction testing?
248.35 What are the conditions for conducting site evaluation and pre-construction testing?
248.36 When conducting site evaluation and pre-construction testing, what must be reported?
248.37 When may MARAD suspend or prohibit site evaluation or pre-construction testing?

I—Exemption From or Adjustments to Requirements

248.38 How do I apply for an exemption?
248.39 What happens when a petition for exemption involves the interests of an Adjacent Coastal State?
248.40 When is an exemption allowed?

J—Oil Pollution Act of 1990 Limits of Liability for Deepwater Ports

248.41 Where can I find the Oil Pollution Act of 1990 (OPA 90) limits of financial liability for deepwater ports?
248.42 What are the procedures under OPA 90 for adjusting a deepwater port's limit of liability under 33 U.S.C. 2704(d)(2)?

K—Environmental Review Criteria for Deepwater Ports

248.43 How does the Deepwater Port Act interact with other Federal and State laws?
248.44 How will environmental reviews be conducted?
248.45 What is determined by the environmental evaluation?
248.46 What type of criteria will be used in an environmental review and how will they be applied?
248.47 How are these criteria reviewed and revised?
248.48 What environmental conditions must be satisfied?
248.49 How is an environmental review conducted?
248.50 What are the siting criteria?
248.51 Should the construction plan incorporate best available technology and recommended industry practices?
248.52 What are the design, construction, and operational criteria?
248.53 What are the land use and coastal zone management criteria?
248.54 What are other critical criteria that must be evaluated?
248.55 What environmental statutes must an applicant follow?

Authority: 33 U.S.C. 1504, 49 CFR 1.93(h).

A—General Provisions

§ 248.1 What is the purpose of this part?

Part 248 prescribes regulations for the licensing of deepwater ports under the Deepwater Port Act of 1974, as amended (codified at 33 U.S.C. 1501 *et seq.*) (the Act or DWPA).

§ 248.2 Who is responsible for complying with this part?

Unless otherwise specified, the owner of a deepwater port is responsible for compliance with the requirements of this part.

§ 248.3 What Federal agencies are responsible for implementing the Act?

(a) By delegation from the Secretary of Transportation, MARAD is authorized to process applications for the issuance, transfer, or amendment of licenses for the construction and operation of deepwater ports. Pursuant to that authority, MARAD is responsible for the following:

(1) Complying with the National Environmental Policy Act of 1969 (NEPA), including, but not limited to, ensuring the preparation of all appropriate environmental documents (*e.g.,* Environmental Assessments, Environmental Impact Statement) for each deepwater port license application. The United States Coast Guard (USCG) is responsible for certain matters relating to navigation safety and security, engineering and safety standards, and deepwater port operations;

(2) Issuing the Record of Decision (ROD) to announce whether a license application is approved, approved with conditions, or denied, and for issuing, revoking, and reinstating deepwater port licenses;

(3) Approving fees charged by Adjacent Coastal States; and

(4) Administering certain matters relating to international policy, civil actions, and suspension or termination of licenses.

(b) By delegation from the Secretary of Transportation, the Administrator of the Pipeline Hazardous Materials and Safety Administration (PHMSA) is authorized to carry out the functions vested in the Secretary under section 21 of the Act relating to the safe construction, operation, and maintenance of pipelines associated with deepwater ports.

(c) The Secretary of the Interior is responsible for determining the fair market rental value of the subsoil and seabed of the Outer Continental Shelf of the United States to be used by the deepwater port, including, but not limited to, the fair market rental value of the right-of-way necessary for the pipeline segment of the port located on such subsoil and seabed. Any proposed subsurface storage of oil and gas in the submerged lands of the Outer Continental Shelf is also subject to the review and approval of the Secretary of the Interior. To minimize potential impacts to existing facilities and protect the development potential of nearby oil, gas, and mineral resources, the Department of the Interior should also be involved in the site selection process.

(d) USCG, Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, and other Federal agencies are designated by the Act as cooperating agencies to provide support to MARAD in its review and evaluation of deepwater port license applications including any required environmental review.

§ 248.4 How are terms used in this part defined?

(a) *Accommodation module* means a module with one or more modular accommodation spaces that are individually contracted and may be used for one or more facilities.

(b) *Act* means the Deepwater Port Act of 1974, as amended (codified at 33 U.S.C. 1501 *et seq.*).

(c) *Adjacent Coastal State* means any coastal State which:

(1) Would be directly connected by pipeline to a deepwater port, as proposed in an application; or

(2) Would be located within 15 nautical miles of any such proposed deepwater port.

(d) *Affiliate* means a person or company that:

(1) Owns a direct or indirect interest of more than three percent in an applicant;

(2) Offers to finance, manage, construct, or operate the applicant's deepwater port to any significant degree;

(3) Owns or controls an applicant or an entity under paragraphs (1) or (2) of this definition; or

(4) Owns or is controlled by, or is under common ownership of, an applicant or an entity under paragraphs (1), (2), or (3) of this definition.

(e) *Applicant* means a person that proposes to own, construct, and operate a deepwater port and applies for a license under this part.

(f) *Application* means an application submitted under this part for a license to own, construct, and operate a deepwater port.

(g) *Approved* means approved by MARAD unless otherwise specified.

(h) *Barrel* means 42 U.S. gallons (approximately 159 liters) at atmospheric pressure and 60 °F.

(i) *Citizen of the United States* means:

(1) Any person who is a United States citizen by law, birth, or naturalization;

(2) Any State, State agency, or group of States; or

(3) Any corporation, partnership, or other association:

(i) That is organized under the laws of any State;

(ii) Whose president, chairman of the board of directors, and general partners or their equivalents, are persons described in paragraph (1) of this definition; and

(iii) That has no more of its directors who are not persons described in paragraph (1) of this definition than constitute a minority of the number required for a quorum to conduct the business of the board of directors.

(j) *Coastal environment* means the coastal waters including the lands in and under those waters, internal waters, and the adjacent shorelines including waters in and under those shorelines. The term includes, but is not limited to:

(1) Transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, and beaches;

(2) Fish, wildlife, and other living resources of those waters and lands; and

(3) The recreational and scenic values of those lands, waters, and resources.

(k) *Coastal State* means a State of the United States in or bordering the Atlantic, Pacific, or Arctic Oceans or the Gulf of America.

(l) *Confined space* means a space that may contain a dangerous atmosphere, including a space that:

(1) Has poor natural ventilation, for example a space with limited openings, such as a cofferdam or double bottom tank; or

(2) Is not designed for continuous occupancy by personnel.

(m) *Construction* means the supervising, inspecting, actual building, and all other activities incidental to the building, repairing, or expanding of a deepwater port or any of its components. The term includes, but is not limited to, fabrication, laying of pipe, pile driving, bulk heading, alterations, modifications, and additions to the deepwater port.

(n) *Control* means the direct or indirect power to determine the policy, business practices, or decision-making process of another person, whether by stock or other ownership interest, by representation on a board of directors or similar body, by contract or other agreement with stockholders or others, or otherwise.

(o) *Crude oil* means a mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs, and remains liquid at atmospheric pressure after passing through surface separating facilities, and includes:

(1) Liquids technically defined as crude oil;

(2) Small amounts of hydrocarbons that exist in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casing head) gas in lease separators; and

(3) Small amounts of non-hydrocarbons produced with the oil.

(p) *Dangerous atmosphere* means an atmosphere that:

(1) May expose personnel to the risk of death, incapacitation, injury, or acute illness; or

(2) May impair ability to escape from the atmosphere unaided.

(q) *Deepwater port* means any fixed or floating manmade structures other than a vessel, or any group of structures, located beyond State seaward boundaries that are used or are intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to or from any State, except as otherwise provided in the Deepwater Port Act of 1974, as amended, and for other uses not inconsistent with the purposes of the Deepwater Port Act, including transportation of oil or natural gas from the United States OCS, and:

(1) Includes all components and equipment, including pipelines, pumping stations, service platforms, buoys, mooring lines, and similar facilities, to the extent that they are located seaward of the high-water mark;

(2) Includes, in the case of natural gas, all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities which are proposed or approved for construction and operation as part of the deepwater port, to the extent that they are located seaward of the high-water mark and do not include interconnecting facilities; and

(3) Must be considered a ''new source'' for purposes of the Clean Air Act, as amended (codified at 42 U.S.C. 7401 *et seq.*), and the Federal Water Pollution Control Act, as amended (codified at 33 U.S.C. 1251 *et seq.*).

(r) *District commander* means an officer who commands a USCG district described in 33 CFR ch. I, subch. NN, or that individual's authorized representative.

(s) *Emergency medical technician* means a person trained and certified to appraise and initiate the administration of emergency care for victims of trauma or acute illness before or during transportation of the victims to a health care facility via ambulance, aircraft, or vessel.

(t) *Engineering geological survey* means a detailed geological analysis of seabed soil samples performed to determine the physical composition—for example the mineral content—and structural integrity for the installation of offshore components and structures.

(u) *Governor* means the Governor of a State, or the person designated by State law to exercise the powers granted to the Governor under the Act.

(v) *Lease block* means an area established either by the Secretary of the Interior under 43 U.S.C. 1334, or by a State under 43 U.S.C. 1311.

(w) *License* means a license issued under this part to own, construct, and operate a deepwater port.

(x) *Licensee* means a citizen of the United States holding a valid license for the ownership, construction, and operation of a deepwater port that was issued, transferred, or renewed under this subchapter.

(y) *Marine environment* includes:

(1) The coastal environment, waters of the contiguous zone, the Exclusive Economic Zone, and the high seas;

(2) Fish, wildlife, and other living resources of those waters; and

(3) The recreational and scenic values of those waters and resources.

(z) *Marine site* means the area in which the deepwater port is located, including the safety zone and all areas seaward of the high-water mark in which associated components and equipment of the deepwater port are located.

(aa) *Maritime Administration* or *MARAD* means the Administrator of the Maritime Administration or that person's designee(s) at 1200 New Jersey Avenue SE, Washington, DC 20590.

(bb) *Metering platform* means a manned or unmanned platform consisting of either a fixed or floating structure that serves as an interchange site for measuring the rate of transfer of natural gas between vessels and pipelines.

(cc) *Mile* means nautical mile.

(dd) *Natural gas* means either natural gas, unmixed, or any mixture of natural or artificial gas, including compressed or liquefied natural gas.

(ee) *Natural gas liquid* means liquid hydrocarbons associated with or extracted from natural gas, for example ethane, propane and butane extracted from natural gas.

(ff) *No anchoring area* or *NAA* means a routing measure comprising an area within defined limits where anchoring is hazardous or could result in unacceptable damage to the marine environment. Anchoring in a no-anchoring area should be avoided by all vessels or certain classes of vessels, except in case of immediate danger to the vessel or the person on board.

(gg) *Oil* means petroleum, crude oil, and any substance refined from petroleum or crude oil.

(hh) *Person* means an individual, a public or private corporation, a partnership or other association, or a government entity.

(ii) *Personnel* means individuals who are employed by licensees, operators, contractors, or subcontractors, and who are on a deepwater port because of their employment.

(jj) *Pipeline* means all parts of those physical facilities through which oil or gas moves in transportation, including pipe, valves, and other appurtenances.

(kk) *Platform* means a fixed or floating structure that rests on or is embedded in the seabed or moored in place and that has floors or decks where an activity or specific functions may be carried out.

(ll) *Reconnaissance hydrographic survey* means a scientific study of fresh and saltwater bodies, currents and water content, cultural resources, seabed soils, and subsea conditions. A visual representation of the survey findings is normally depicted on a chart of the examined area.

(mm) *Routing system* means any system of one or more vessel routes or routing measures aimed at reducing the risk of casualties. It includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, no anchoring areas, inshore traffic zones, roundabouts, precautionary areas and deepwater routes.

(nn) *Safety zone* means a safety zone established around a deepwater port and extending up to 500 meters (approximately 1,640 feet) around the deepwater port, measured from each point on its outer edge or from its construction site, except as authorized by generally accepted international standards or as recommended by the International Maritime Organization but not interfering with the use of recognized sea lanes.

(oo) *State* means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(pp) *Support vessel* means a vessel working for a licensee at a deepwater port or cleared by a licensee to service a tanker calling at a deepwater port, and includes a:

(1) Tug;
(2) Line-handling boat;
(3) Crew boat;
(4) Supply vessel;
(5) Bunkering vessel;
(6) Barge; or
(7) Other similar vessel.

(qq) *Survival craft* means a craft described in 33 CFR ch. I, subch. NN.

(rr) *Tanker* means a vessel that calls at a deepwater port to load or unload oil or natural gas.

(ss) *Vessel* means every description of watercraft, including non-displacement craft (*e.g.,* wing-in-ground (WIG) craft, seaplanes) capable of being used, as a means of transportation on or through the water.

B—Application for a License

§ 248.5 What must I include in my application?

(a) *General.* For each applicant, affiliate, and consultant, the application must include the following:

(1) The name, address, telephone number, citizenship, and principal business activity of the applicant and its affiliates;

(2) The name, address, and principal business activity of each subsidiary, division of the applicant, or its affiliates that participated in the decision to apply for a license to build a deepwater port;

(3) A description of how each affiliate is associated with the applicant, and of the ownership interest each affiliate has in the applicant;

(4) A list of the applicant's corporate officers and directors, and each affiliate that participated in the decision to apply for a license;

(5) A statement for each applicant or affiliate, providing complete and detailed information on any civil or criminal legal proceeding during the preceding 5 years that relates to, or that could materially affect, information in the license application; and

(6) A declaration by the applicant that neither the applicant nor its affiliates has engaged in any lobbying activities that are prohibited by 31 U.S.C. 1352 or any other applicable Federal anti-lobbying statute.

(b) *Experience in matters relating to deepwater ports.*

(1) For each applicant, affiliate, and consultant, the application must include a description of the applicant's, affiliate's, and consultant's experience in offshore operations, particularly operations involving the transfer and storage of liquid cargo, and the loading and unloading of vessels; and

(2) For each affiliate that has a significant contract with the applicant for construction of the deepwater port, a description of that affiliate's experience in construction of marine terminal facilities, offshore structures, underwater pipelines, and seabed foundations, in addition to a description of other experiences that would bear on the affiliate's qualification to participate in the construction of a deepwater port.

(c) *Engineering firms.* Each engineering firm that will design the deepwater port or a portion of the port must provide the following information:

(1) Name;
(2) Address;
(3) Citizenship;
(4) Telephone number; and
(5) Qualifications.

(d) *Citizenship and operating authority.* For each applicant or group of applicants, provide the following:

(1) An affidavit demonstrating that the applicant is a citizen of the United States, which in the case of a corporation,[2] reads as follows:

AFFIDAVIT OF U.S. CITIZENSHIP

State of_____)
) ss.:
County of _____)

[2] The form of affidavit of U.S. citizenship may be adapted for applicants which are partnerships, limited partnerships, limited liability companies, and associations formed in any State.

I, *(Name),* of *(Physical residence address, city, and state),* being duly sworn, depose and say:

1. That I am authorized by and in behalf of _____(*Name Applicant*) (hereinafter called the ''Corporation'') to execute and deliver this Affidavit of U.S. Citizenship;

2. That this affidavit is provided as evidence of the Corporation's status as a citizen of the United States as defined in accordance with 33 U.S.C. 1502(4);

3. That the Corporation is organized and existing under the laws of the State of _____with offices at (*Business address*), in evidence of which incorporation true copies of the Certificate or Articles of Incorporation and Bylaws of the Corporation are filed herewith (or have previously been filed with the Maritime Administration);

4. That the names of the Chief Executive Officer, by whatever title, President, Vice Presidents or other individuals, by whatever title, who are authorized to act in the absence or disability of the Chief Executive Officer, the Chairman of the Board of Directors, and the Directors of the Corporation are as follows:

Name: Title: Nationality:

Each of said individuals is a Citizen of the United States by virtue of birth in the United States, birth abroad of U.S. citizen parents, by naturalization, or as otherwise authorized by law, except: (*give name and nationality of all non-citizen officers meeting the description above and non-citizen directors, if any*)

The Bylaws of the Corporation provide that (*Number*) of the Directors are necessary to constitute a quorum; therefore, Non-Citizen Directors (if any) represent no more than a minority of the number necessary to constitute a quorum; and

5. That affiant has carefully examined this affidavit and asserts that all of the statements and representations contained therein are true to the best of his knowledge, information, and belief.

(Name and title of affiant)_____

_____

(Signature of affiant) Date

(2) For State agency applicants, the law authorizing the applicant to undertake the operations detailed in the application;

(3) For private corporation applicants, the current charter or certificate of incorporation and current by-laws; and for limited liability companies, the equivalent organizational documents; and

(4) For partnerships, including limited liability partnerships, or associations not formed or owned solely by individual citizens of the United States, the certificate of formation; the partnership agreement or articles of association; the current by-laws; the minutes of the first board meeting.

(e) *Address for service of documents.* The name and address of one individual who may be served with documents if a formal hearing is held concerning the application, and the name and address of one individual who may receive other documents.

(f) *Location and use.* The proposed location and capacity of the deepwater port, a general description of the anticipated use of the deepwater port, and whether access will be open or closed.

(g) *Financial information.* For the applicant, each affiliate with an ownership interest in the applicant of greater than 3 percent, and affiliates which have a direct contractual relationship with the deepwater port:

(1) Annual financial statements, audited by an independent certified public accountant, for the previous 3 years, including, but not limited to, an income statement, balance sheet, and cash flow statement with footnote disclosures prepared according to U.S. Generally Accepted Accounting Principles; provided, however, that MARAD may waive this requirement upon finding:

(i) That an affiliate does not, in the normal course of business, produce audited statements; and

(ii) That the affiliate is part of a larger corporate group whose audited statements provide sufficient information to support an adequate assessment of the affiliate's relationship with and impact on the applicant.

(2) An estimate of construction costs, including:

(i) A phase-by-phase breakdown of costs;

(ii) The estimated completion dates for each phase; and

(iii) A preliminary estimate of the cost of removing all of the deepwater port marine components, including pipelines that lie beneath the seabed. The licensee of a deepwater port is responsible for the costs associated with removal of all deepwater port components. Should a license be granted, MARAD will require a bond, guarantee, or other financial instrument to cover the complete cost of decommissioning as a condition of the license.

(3) Annual projections or estimates, along with the underlying assumptions, for the next 5 years and at reasonable intervals thereafter throughout the life of the deepwater port, of the following:

(i) Projected financial statements, including a balance sheet and income statement; and

(ii) Annual operating expenses, showing separately any payment made to an affiliate for any management duties carried out in connection with the operation of the deepwater port.

(4) A copy of all proposals or agreements concerning the management and financing of the deepwater port, including agreements relating to throughputs, capital contributions, loans, guarantees, commitments, charters, and leases.

(h) *Construction contracts and construction-related studies.* For applicants with construction contracts and construction-related studies, provide the following:

(1) A copy of each contract that the applicant has made for the construction of any component of the deepwater port or for the operation of the port.

(2) A listing and abstract of:

(i) All completed or ongoing studies on deepwater ports conducted by or for the applicant; and

(ii) All other construction-related studies used by the applicant.

(3) The identity of each contractor, if known, that will construct or install the deepwater port or a portion of the port, including the following information for each contractor:

(i) Name;

(ii) Address;

(iii) Citizenship;

(iv) Telephone number; and

(v) Qualifications.

(i) *Compliance with Federal water pollution requirements.* Provide the following information evidencing compliance with Federal water pollution requirements:

(1) Evidence, to the extent available, that the requirements of 33 U.S.C. 1341(a)(1) will be satisfied. If complete information is not available by the time MARAD must either approve or deny the application under 33 U.S.C. 1504(i)(1), the license for the deepwater port will be conditioned upon the applicant demonstrating that the requirements of 33 U.S.C. 1341(a)(1) will be satisfied.

(2) In cases where certification under 33 U.S.C. 1341(a)(1) must be obtained from the Environmental Protection Agency Administrator, the request for certification, and pertinent information, such as plume modeling, related to the certification.

(j) *Identification of lease block.* Provide the following lease block information:

(1) Identification of each lease block where any part of the proposed deepwater port or its approaches is located. This identification must be made on official Outer Continental Shelf leasing maps or protraction diagrams,

where available. Each map and diagram must be certified by a professional surveyor, or, in the alternative, the applicant must provide an equivalent means of certifying accuracy. For each lease block, provide the following:

(i) A description of each pipeline, or other right-of-way crossing, in enough detail to allow plotting of the rights-of-way to the nearest one-tenth of a second in latitude and longitude; and

(ii) The identity of the lessee or grantee of each pipeline or other right-of-way.

(2) Detailed information concerning any interest that any person, including the applicant, has in each block.

(3) Detailed information concerning the present and planned use of each block.

(k) *Overall site plan.* Single-line drawings showing the location and type of each component of the proposed deepwater port and its necessary facilities, including:

(1) Floating structures;

(2) Fixed structures;

(3) Aids to navigation;

(4) Manifold systems; and

(5) Onshore storage areas, pipelines, and refineries.

(l) *Site plan for marine components.* A site plan consisting of the following:

(1) The proposed size and location of all:

(i) Fixed and floating structures and associated components seaward of the high-water mark;

(ii) Recommended ships' routing measures and proposed vessel traffic patterns in the deepwater port area, including aids to navigation;

(iii) Recommended anchorage areas and, for support vessels, mooring areas; and

(iv) Proposed anchorage and mooring areas, including areas associated with construction and pipelaying operations;

(2) A reconnaissance hydrographic survey of the proposed marine site. This survey should provide data on the water depth, cultural resources, and a general characterization of the sea bottom. A requirement to submit a reconnaissance hydrographic survey of the final marine site will be imposed as a condition in the license. The applicant may submit existing data gathered within the previous five years (or within a longer timeframe if approved by MARAD), but it must be supplemented by field data for specific locations in which a high degree of variability exists;

(3) Meteorological/oceanographic (''MetOcean'') data. This should include data on prevailing winds, currents, waves and storms in the vicinity of the proposed marine site; and

(4) Vessel traffic data. This should include at least one year of vessel traffic data from the most recent year's data, if available, in the vicinity of the proposed marine site.

(m) *Engineering geological survey data.* An initial preliminary analysis of the general character and condition of the ocean bottom and sub-bottom, soils and sediments throughout the marine site, and, if applicable, soils and topography throughout the terrestrial site. If the applicant proposes to use horizontal directional drilling (HDD), the initial preliminary analysis must include a study addressing the feasibility of HDD in the proposed HDD location. The applicant may use existing data, so long as it was collected within the last 5 years (or within a longer timeframe if approved by MARAD) and continues to provide accurate information about conditions throughout the site. If not, a new survey must be completed to provide supplemental data. The analysis must include an opinion by a registered professional specializing in soil mechanics, such as a registered professional engineer or an equivalent means of certifying accuracy, concerning:

(1) The suitability of the soil to accommodate the anticipated design load of each marine component that will be fixed to or supported on the ocean floor; and

(2) The stability of the seabed when exposed to environmental forces resulting from severe storms or lesser forces that occur over time, including any history of accretion or erosion of the coastline near the marine site.

(n) *Archeological information.* An analysis of the information from the reconnaissance hydrographic survey by a qualified underwater archeologist to determine the historical or other significance of the area where the site evaluation and pre-construction testing activities were conducted. The analysis must meet standards established by the Department of the Interior for activities on the Outer Continental Shelf. The survey must include the areas potentially affected by the deepwater port, or any other associated platforms, and its pipeline routes.

(o) *Vessel information.* Vessel information consisting of the following:

(1) The Nation of Registry for, and the nationality or citizenship of, officers and crew serving on board vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port; and

(2) Description of the information that will be provided in the operations manual pertaining to vessel operations, vessel characteristics, and weather forecasting.

(p) *Information on floating components.* Floating component information consisting of the following:

(1) A description and preliminary design drawing of each floating component, including the hoses, anchoring, or securing structure, and navigation lights if the component is a mooring buoy;

(2) The criteria, developed under 33 CFR ch. I, subch. NN to which each floating component will be designed and built;

(3) The design standards and codes to be used;

(4) The title of each recommended engineering practice that will be applied;

(5) A description of safety, firefighting, and pollution prevention equipment to be used on each floating component; and

(6) A description of the lighting that will be used on floating hoses for night detection.

(q) *Information on dedicated fixed offshore components.* Dedicated fixed offshore component information consisting of the following:

(1) A description and preliminary design drawing for each dedicated fixed offshore component;

(2) The design criteria, developed under 33 CFR ch. I, subch. NN to which each fixed offshore component will be designed and built;

(3) The design standards and codes to be used;

(4) The title of each recommended engineering practice to be followed;

(5) A description of the following equipment that will be installed:

(i) Navigational lighting;

(ii) Safety equipment;

(iii) Lifesaving equipment;

(iv) Firefighting equipment;

(v) Pollution prevention equipment, excluding response equipment which must be outlined in the facility response plan; and

(vi) Waste treatment equipment.

(6) A description and preliminary design drawing of the following:

(i) The cargo pumping equipment;

(ii) The cargo piping system;

(iii) The control and instrumentation system; and

(iv) Any associated equipment, including equipment for oil or natural gas throughput measuring, leak detection, emergency shutdown, and the alarm system.

(7) The personnel capacity of each deepwater port structure.

(r) *Refurbished Outer Continental Shelf facilities and co-located fixed offshore components.* Refurbished OCS facilities and co-located fixed offshore component information consisting of the following:

(1) A description and preliminary design drawing for each such facility or component;

(2) The design criteria, developed under 33 CFR ch. I, subch. NN to which each facility or component will be designed and built or modified;

(3) The design standards and codes to be used;

(4) The title of each recommended engineering practice to be followed;

(5) A description of the following equipment to be installed or refurbished:

(i) Navigational lighting;

(ii) Safety equipment;

(iii) Lifesaving equipment;

(iv) Firefighting equipment;

(v) Pollution prevention equipment, excluding response equipment which must be outlined in the facility response plan;

(vi) Waste treatment equipment; and

(vii) Cathodic protection.

(6) A description and preliminary design drawing of the following:

(i) The cargo pumping equipment;

(ii) The cargo piping system;

(iii) The control and instrumentation system; and

(iv) Any associated equipment, including equipment for oil or natural gas regasification, throughput measuring, leak detection, emergency shutdown, and the alarm system.

(7) The personnel capacity of each deepwater port structure.

(s) *Information on offshore pipelines.* To facilitate timely processing of an application, applicants are encouraged to consult with PHMSA to verify the requirements for the design, construction, operation, and maintenance of pipelines prior to submitting an application, which must include the following:

(1) A description and preliminary design drawing of the marine pipeline, including:

(i) Size;

(ii) Throughput capacity;

(iii) Length;

(iv) Depth of cover; and

(v) Protective devices;

(2) The design criteria to which the marine pipeline will be designed and built;

(3) The design standards and codes to be used;

(4) The title of each recommended engineering practice to be followed;

(5) A description of the metering system that will measure flow rate;

(6) Information concerning all submerged or buried pipelines that will be crossed by the offshore pipeline, and how each crossing will be made; and

(7) Information on the pipeline that will connect to the deepwater port, including a detailed analysis that shows throughput and capacity rates of all pipelines involved in the transport of product to shore.

(t) *Information about onshore components.* To the extent known by the applicant, onshore component information consisting of the following:

(1) A description of the location, capacity, and ownership of all planned and existing onshore pipelines, storage facilities, refineries, petrochemical facilities, and transshipment facilities that will be served by or utilized by the deepwater port. Crude oil or natural gas gathering lines and lines wholly within a deepwater port must be included in data about onshore components only if specifically required;

(2) A chart showing the location of all planned and existing facilities that will be served by or utilized by the deepwater port, including:

(i) Onshore pipelines;

(ii) Storage facilities;

(iii) Refineries;

(iv) Petrochemical facilities; and

(v) Transshipment facilities.

(3) For proposed oil import projects, a copy of all proposals or agreements with existing and proposed refineries that will receive oil transported through the deepwater port, the location and capacity of each such refinery, and the anticipated volume of such oil to be refined by each such refinery.

(u) *Information on miscellaneous components.* Miscellaneous component information consisting of the following:

(1) A description of each radio station or other communications facility, including its proposed concept of operation, to be used during construction and operation of the deepwater port;

(2) A description of the radar navigation system to be used in operation of the deepwater port outlined in the operations manual;

(3) A description of the method that will be used for bunkering vessels using the deepwater port;

(4) A brief description of the type, size, and number of vessels that will be used in bunkering, mooring, and servicing the vessels using the deepwater port;

(5) A description and location of the shore-based support facilities, if any, that will be provided for vessels that will be used in bunkering, mooring, and servicing the vessels using the deepwater port, or that serve as offices or facilities in support of the deepwater port operations; and

(6) A copy of the actual radio station license, or, if not available, a copy of the application sent to the Federal Communications Commission, if available.

(v) *Construction procedures.* A description of the method and procedures to be used in constructing each component of the deepwater port, for example shoreside fabrication, assembly and support, including anticipated dates of completion for each specific component during each phase of construction.

(w) *Operations manual.* A draft of the operations manual for the proposed deepwater port, containing the information required by 33 CFR ch. I, subch. NN. The operations manual must demonstrate the applicant's ability to operate the deepwater port safely and effectively. To the extent that circumstances are similar, this demonstration can be in the form of evidence appended to the draft operations manual of the applicant's participation in the safe and effective management or operation of other offshore facilities, for example, evidence of compliance with BOEM requirements for those facilities. If the information required for the manual is not available, explain why it is not and when it will be available.

(x) *Risk and consequence assessment.* The applicant must submit data to support an independent, site-specific analysis to assess the risks and consequences of accidental and intentional events that compromise cargo containment. The applicant should consult with USCG to ensure that appropriate assessment procedures are used.

(y) *Environmental evaluation.* An analysis, sufficient to meet the requirements of NEPA, and as outlined in subpart K of this part, of the potential impacts on the natural and human environments, including sufficient information that complies with all applicable Federal, Tribal, and State requirements for the protection of the environment. The analysis must identify a reasonable range of alternatives to the proposed action including, but not limited to, deepwater port location, pipeline route and landfall, construction methods, deepwater port design, technologies used during operation, and the no-action alternative. Applicants should normally submit this analysis in the form of an applicant-prepared Environmental Impact Statement (EIS). Contractors may be utilized by the applicant and MARAD to prepare environmental documentation. MARAD retains responsibility for the contents of the environmental document and will independently evaluate and may require changes or additional analyses to meet the requirements of NEPA.

(z) *Aids to navigation.* Aids to navigation information consisting of the following:

(1) For each proposed aid to navigation, the proposed position of the aid, described by latitude and longitude coordinates to the nearest second or tenth of a second, as determined from the largest scale chart of the area in which the aid is to be located. Specify latitude and longitude to a level obtained by visual interpolation between the finest graduation of the latitude and longitude scales on the chart;

(2) For each proposed obstruction light and rotating lit beacon:

(i) Color;

(ii) Characteristic;

(iii) Effective intensity;

(iv) Height above water; and

(v) General description of the illumination apparatus;

(3) For each proposed sound signal on a structure, a general description of the apparatus;

(4) For each proposed buoy:

(i) Shape;

(ii) Color;

(iii) Number or letter;

(iv) Depth of water in which located; and

(v) General description of any light and/or sound signal apparatus on the buoy.

(5) For the proposed radar beacon, or RACON, height above water and a general description of the apparatus.

(aa) *Applicable Environmental Permits and Authorizations.* Provide copies of filed applications or draft applications for permits and other authorizations under the Clean Air Act, Clean Water Act, Coastal Zone Management Act, Rivers and Harbors Act, and other applicable environmental statutes that will be required for construction and operation of the facility and the status of each application. Applicants must separately submit completed applications for any required permits and authorizations to the respective permitting agencies in accordance with those agencies' application submission procedures. If all completed permits, authorizations, and all necessary information are not available by the time MARAD must either approve or deny the application, the applicant will be required to obtain all outstanding permits or authorizations as a condition of the license, as applicable. Examples of relevant Federal permits and authorizations may include, but are not limited to:

(1) National Pollutant Discharge Elimination System (NPDES) permit under Section 402 of the Clean Water Act;

(2) Section 401 Water Quality Certification under the Clean Water Act;

(3) Section 404 permit under the Clean Water Act;

(4) Title V permit under the Clean Air Act;

(5) New Source Review minor source permit under the Clean Air Act;

(6) Section 10 permit under the Rivers and Harbors Act;

(7) Section 408 authorization under the Rivers and Harbors Act; and

(8) Coastal Zone Consistency Certification under the Coastal Zone Management Act. This certification must include the following:

(i) The statement: ''The proposed activity complies with the enforceable policies of [Name of Affected State]'s approved Coastal Management Program and will be conducted in a manner consistent with such program'';

(ii) A copy of the environmental evaluation required by section 248.5(y) of this part; and

(iii) The applicant must also furnish to the appropriate agency of each State where the proposed project may affect a coastal use or resource, a copy of the certification requesting concurrence with the consistency certification. Complete procedures for providing data for the consistency certification are specified at 15 CFR part 930, subpart D.

(bb) *Additional Federal authorizations.* All other applications for Federal authorizations not listed elsewhere in this subpart that are required for ownership, construction, and operation of a deepwater port.

(cc) *Sworn statement.* A declaration that conforms to the requirements of 28 U.S.C. 1746.

(dd) *MARPOL requirements for certification as Reception Facility for Oil, Noxious Liquid Substances, and Garbage.* An application for a Certificate of Adequacy (COA) as defined in 33 CFR ch. I, subch. ONN or a written waiver justifying why compliance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention, and as further modified by the Protocol of 1997 or MARPOL, is unreasonable or impracticable.

§ 248.6 What additional information may be required?

(a) MARAD may require the applicant, or the applicant's affiliates to submit any additional analysis, explanation, or other information MARAD deems necessary to process the application;

(b) MARAD may require the applicant, or the applicant's affiliates, to make available for MARAD examination, under oath or for interview, persons having, or believed to have, necessary information;

(c) If information under paragraph (a) or (b) of this section is required, MARAD, with input from the applicant, will set a time by which the required information must be provided to meet the Act's timeline for processing the application. If the applicant is unable to provide the information under paragraph (a) or (b) by the specified time, the applicant may request that MARAD grant a suspension of the timeline for processing the application to provide the applicant additional time to submit the required information;

(d) The timeline for MARAD's review of an application under the Act will be extended by the total number of days that the timeline is suspended under paragraph (c) of this section. If the applicant does not provide the required information within the timeline provided in the Act for processing the application, then MARAD will deny the application based on the lack of sufficient information for MARAD to process the application;

(e) An applicant that receives a request under paragraphs (a) or (b) above may submit to MARAD a request for a meeting with appropriate MARAD personnel and representatives of any cooperating Federal agency determined by MARAD to be relevant with respect to the application, including such officials as are appropriate, to provide the applicant technical assistance, status, process, and timeline updates and additional information as necessary. MARAD will hold a meeting not later than 30 days after the date on which MARAD receives an applicant's request.

§ 248.7 What if a Federal or State agency or other interested party requests additional information?

(a) Any Federal or State agency or other interested person may request that MARAD obtain from the applicant information not specified by this subchapter;

(b) Requests must state briefly why the information is needed;

(c) MARAD must receive the request prior to the closing dates for the comment periods for scoping and, where appropriate, the environmental impact statement. MARAD will consider the request before making a final decision on whether to approve the license application.

(d) MARAD will consider whether:

(1) The information requested is essential for processing the license application; and

(2) The time and effort required by the applicant in gathering the information

will result in an undue delay in the application process.

(e) MARAD may discuss the request with the requesting person and the applicant prior to determining whether to obtain the requested information.

§ 248.8 How do I prepare my application?

(a) MARAD encourages prospective applicants to confer with MARAD concerning requirements contained in this part for the preparation of an application or the requirements of this part.

(b) The applicant may incorporate, by clear and specific reference in the application:

(1) Standard reference material that the applicant relied on that is readily available to Federal and State agencies;

(2) Current information contained in previous applications or reports that the applicant has submitted to MARAD; or

(3) Current information contained in a tariff, report, or other document previously filed for public record with the Securities and Exchange Commission or other Federal agency, if:

(i) A certified true and complete copy of the document is attached to each copy of the application as required by section 248.9(a) of this part;

(ii) The date of filing and the document number are on the cover of the document; and

(iii) Any verification or certification required for the original filing, other than from auditors or other independent persons, is dated no earlier than 30 days before the date of the application.

§ 248.9 How many copies of the application must I send and where must I send them?

Send the following copies of the application:

(a) One printed copy and one electronic version in a format approved by MARAD to MARAD, 1200 New Jersey Avenue SE, Washington, DC 20590; and

(b) MARAD may require additional printed and electronic copies for distribution to Federal, Tribal, and State regulatory agencies involved in reviewing the application in accordance with the requirements of each agency.

§ 248.10 What are the application fees?

(a) The applicant must submit a non-refundable application fee of $350,000 with each application for a license. If additional information is necessary to make an application complete, no additional application fee is required;

(b) The costs incurred by the Federal Government in processing an application will be charged to the application fee until it is exhausted. If the fee is exhausted and the Federal Government incurs further processing costs, the applicant will be charged for any additional costs associated with the processing of an application. MARAD will advise the applicant of the status of expenses incurred during the application process;

(c) Additional costs attributable to processing a deepwater port license application and post-license activities, for example the engineering plan review or development of the final operations manual and additional environmental analysis, are due when they are assessed, and must be paid by the applicant prior to commencing operation of the deepwater port; and

(d) Application fees and additional costs assessed under this section must be made payable to the United States Treasury and submitted to MARAD.

C—Processing Applications

§ 248.11 How are documents related to the application maintained?

(a) MARAD maintains a docket for each application.

(1) The docket contains a copy of all documents filed or issued as part of the application process;

(2) Recommendations submitted by Federal departments and agencies under 33 U.S.C. 1504(e)(2) are docketed when they are received; and

(3) Copies of applicable NEPA documents prepared under 33 U.S.C. 1504(f) are docketed when they are sent to the Environmental Protection Agency.

(b) For a document designated as protected from disclosure under 33 U.S.C. 1513(b), MARAD:

(1) Prevents the information in the document from being disclosed, unless MARAD states that the disclosure is not inconsistent with 33 U.S.C. 1513(b); and

(2) Keeps a record of all individuals who have a copy of the document.

§ 248.12 How and where may I view docketed documents?

(a) All material in a docket under section 248.11 of this part is available to the public for inspection and copying at MARAD at the address under ''MARAD'' in section 248.4 of this part, except for:

(1) Contracts under 33 U.S.C. 1504(c)(2)(B) for the construction or operation of a deepwater port;

(2) Material designated under paragraph (b) of this section as a trade secret, personally identifiable information, or commercial or financial information that is claimed to be privileged or confidential; and

(3) information protected from disclosure under 5 U.S.C. 552.

(b) A person submitting material that contains either a trade secret or commercial or financial information under paragraph (a)(2) of this section must designate those portions of the material that are privileged or confidential. Section 248.18 of this part contains procedures for objecting to these claims; and

(c) Docketed material for each deepwater port project is also available to the public electronically at the Federal Docket website at *www.regulations.gov.*

§ 248.13 How is the application processed?

MARAD processes each application and publishes the notice of application under 33 U.S.C. 1504(c) in the **Federal Register**. Upon publication of a Notice of Application, MARAD delivers copies of the application to:

(a) Each Federal agency with jurisdiction over any aspect of ownership, construction, or operation of deepwater ports; and

(b) Each Adjacent Coastal State, including relevant State and Tribal agencies in those Adjacent Coastal States.

§ 248.14 What must I do if I need to change my application?

(a) If at any time before MARAD approves or denies an application, the information in it changes, becomes incomplete, or becomes inaccurate, the applicant must promptly submit the changes, additional information, or necessary corrections in the manner set forth in section 248.9 of this part.

(b) MARAD may determine that the change or required information is of such magnitude that it warrants submission of an amended application. MARAD will review the proposed change and determine if the change is of such a magnitude as to require additional environmental evaluation, pursuant to NEPA and the Department of Transportation's ''Procedures for Considering Environmental Impacts.''

§ 248.15 How do I withdraw my application?

The applicant may terminate the application proceeding by delivering or mailing notice of withdrawal of its application to MARAD.

§ 248.16 May I resubmit my application?

(a) With the approval of MARAD, an applicant may resubmit a previously withdrawn application in accordance with subpart B of this part. MARAD may waive such subpart B requirements as MARAD deems appropriate.

(b) A resubmitted application is considered a new licensing proceeding

for purposes of the statutory timelines set forth in the Act.

§ 248.17 What if a port has plans for a deep draft channel and harbor?

(a) If a State port will be connected directly by pipeline to a proposed deepwater port, and has existing plans for a deep draft channel and harbor, a representative of the State port may request a determination under 33 U.S.C. 1503(d);

(b) The request must be sent, in writing, to MARAD within 30 days after the date that the Notice of Application for the deepwater port is published in the **Federal Register**; and

(c) The request must contain:

(1) A signature of the highest official of the State port submitting the request;

(2) A copy of the existing plans for the construction of a deep draft channel and harbor;

(3) Certification that the State port has an active study by the Secretary of the Army for the construction of a deep draft channel and harbor, or that the State port has an application pending for a permit under 33 U.S.C. 403 for the construction;

(4) Any available documentation on:

(i) Initial costs, by phases if development is staged, for the proposed State port project, including dredging, ship terminal, and attendant facilities;

(ii) Estimated annual operating expenses, by phases if development is staged, including labor, for 30 years for all elements of the project;

(iii) Estimated completion time for all elements of the project;

(iv) Estimated vessel traffic volume, and the volume and variety of the tonnage;

(v) Potential traffic congestion conditions in the port, and the port's ability to control vessel traffic as a result of the proposed project;

(vi) Estimated economic benefits of the project, including:

(A) Economic contribution to the local and regional area;

(B) Induced industrial development;

(C) Increased employment; and

(D) Increases in tax revenues;

(vii) Environmental and social impacts of the project on the local and regional community; and

(viii) An estimate of the economic impact that the deepwater port license will have on the proposed project.

(5) A statement whether the State port seeks a determination that the proposed deepwater port best serves the national interest.

§ 248.18 How do I claim, or object to a claim of privileged information?

(a) Any person may claim that specific information required pursuant to this part should be withheld because it is privileged, and any person can object to that claim;

(b) Requests or objections must be submitted to MARAD in writing, with sufficient specificity to identify the information at issue, and to show why it should or should not be considered privileged;

(c) MARAD will determine whether to grant or deny a claim of privilege; and

(d) Submission of a claim stays any deadline for providing the information at issue, unless the claim is made pursuant to the protection for confidential information that is provided by 33 U.S.C. 1513(b), in which case deadlines are not stayed.

D—Public Hearings or Meetings

§ 248.19 When must public hearings or meetings be held?

(a) Before a license is issued, at least one public license hearing under 33 U.S.C. 1504(g) must be held in each Adjacent Coastal State. Other Federal statutes and regulations may impose additional requirements for public hearings or meetings, and if not otherwise prohibited, a hearing under this paragraph may be consolidated with any such additional hearing or meeting;

(b) MARAD will publish in the **Federal Register** notices of public hearings or of meetings, and will mail or deliver a copy of the notice to the applicant, to each Adjacent Coastal State, and to all who request a copy; and

(c) Anyone may attend a public hearing or meeting and provide relevant oral or written information. The presiding officer may limit the time for providing oral information.

§ 248.20 How is a public hearing or meeting reported?

(a) After completion of a public hearing or meeting, the presiding officer must forward a report on the hearing or meeting to MARAD for docketing;

(b) The report must contain the following information:

(1) An overview of the factual issues addressed;

(2) A transcript or recording of the hearing or meeting; and

(3) A copy of all material submitted to the presiding officer.

(c) During the hearing or meeting, the presiding officer will announce the information that the report must contain.

E—Formal Hearings

§ 248.21 What if a formal evidentiary hearing is necessary?

After all public meetings under section 248.19 of this part are concluded, MARAD will consider whether there are one or more specific and material factual issues that may be resolved by a formal evidentiary hearing. If MARAD determines that a formal evidentiary hearing is necessary, the hearing will be conducted in accordance with 5 U.S.C. 554, following procedures prescribed by MARAD.

F—Approval or Denial of the Application

§ 248.22 What is the timeline for approving or denying an application?

(a) The Act provides timelines for action on a license application. Applicants may request that MARAD suspend the application processing timeline as described in section 248.6 of this part.

(b) The timeline for action on a license application includes publishing a notice of application. A notice of application is published after it has been determined that the application contains sufficient material for processing the application. MARAD must conduct a public hearing in each Adjacent Coastal State within 240 days of publishing the notice.

(c) At the completion of the NEPA review, when an EIS is determined to be required, MARAD will publish a notice of availability of the final environmental impact statement in the **Federal Register**.

(d) MARAD will hold a final public hearing on the license application in each Adjacent Coastal State. MARAD issues a ROD approving or denying a license application within 90 days after the final public hearing. Actual issuance of a license may not take place until certain conditions imposed by the ROD have been met. Those conditions may include how the applicant must address design, construction, installation, testing, operations, and decommissioning of the deepwater port, or meet the requirements of other agencies.

§ 248.23 How may Federal agencies and States participate in the application process?

(a) Under section 248.13 of this part, Federal agencies and Adjacent Coastal States are sent copies of the application. The agencies and States are encouraged to begin submitting their comments on the application at that time;

(b) To be considered, comments from Federal agencies and Adjacent Coastal States must be received by MARAD within 45 days after the close of the public hearing period specified in section 248.19 of this part. MARAD reviews the comments received;

(c) Comments should identify problems, if any, and suggest possible solutions; and

(d) MARAD will accept approvals or disapprovals from the Governors of adjacent coastal states only during the 45-day period following the close of the application's final public hearing. Submissions made before the hearing concludes will not be accepted. If the Governor fails to transmit his or her approval or disapproval to MARAD not later than 45 days after the last public hearing, approval will be conclusively presumed.

§ 248.24 What are the criteria for approval or denial of an application?

MARAD may approve an application if:

(a) MARAD determines that the applicant is (i) financially able to construct, own, operate, and decommission the proposed deepwater port; and (ii) meets the oil pollution liability financial responsibility requirements of 33 U.S.C. 2716;

(b) MARAD determines that the applicant can and will comply with applicable laws, regulations, and license conditions;

(c) MARAD determines that the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality;

(d) MARAD determines that the deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law;

(e) MARAD determines that the applicant has demonstrated that the deepwater port will be constructed and operated using best available technology, so as to prevent or minimize adverse impact on the marine environment;

(f) MARAD has not been informed, within 45 days of the last public hearing on a proposed license for a designated application area, by the Administrator of the Environmental Protection Agency that the deepwater port will not conform with all applicable provisions of the Clean Air Act, as amended [42 U.S.C. 7401 *et seq.*], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 *et seq.*], or the Marine Protection, Research and Sanctuaries Act, as amended [16 U.S.C. 1431 *et seq.,* 1447 *et seq.;* 33 U.S.C. 1401 *et seq.,* 2801 *et seq.*];

(g) MARAD has consulted with the Secretary of the Army, the Secretary of State, the Secretary of Homeland Security, and the Secretary of War, to determine their views on the adequacy of the application, and its effect on programs within their respective jurisdictions;

(h) the Governor of each Adjacent Coastal State approves, or is presumed to approve, the issuance of the license; and

(i) the Adjacent Coastal State to which the deepwater port is to be directly connected by pipeline has developed, or is making, at the time the application is submitted, reasonable progress toward developing, an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 [16 U.S.C. 1451 *et seq.*].

§ 248.25 What happens when more than one application is submitted for a deepwater port in the same application area?

(a) When more than one application is submitted for a deepwater port in the same application area under 33 U.S.C. 1504(i), only one application is approved. Unless one port clearly best serves the public interest, the Secretary will issue the license according to the following order of priorities:

(1) An Adjacent Coastal State or combination of States, political subdivision of the State, or an agency or instrumentality, including a wholly owned corporation of the State;

(2) A person that is neither engaged in producing, refining, or marketing oil nor an affiliate of a person engaged in producing, refining, or marketing oil; and then

(3) Any other applicant.

(b) In determining whether a port best serves the national interest, MARAD will consider:

(1) The degree to which each deepwater port will affect the environment, as determined under the review criteria in subpart K to this part;

(2) The differences between the anticipated completion dates of the deepwater ports; and

(3) The differences in costs for construction and operation of the deepwater ports that would be passed on to consumers of oil.

(c) This section does not apply to applications for natural gas deepwater ports.

§ 248.26 When may the application process be stopped and an application be treated as withdrawn?

(a) MARAD may consider an application as withdrawn before the application is approved or denied if:

(1) The application is withdrawn before MARAD approves it;

(2) The application is incomplete, and the applicant does not respond to a request by MARAD for further information, as per section 248.6 of this part; or

(3) The applicant fails to provide information necessary, in a timely fashion, to complete an environmental impact statement, which is normally required for a project application.

(b) MARAD will provide written notice to the applicant of an action taken under this section.

G—Licenses

§ 248.27 What is included in a deepwater port license?

A deepwater port license contains information about the licensee and the deepwater port, and any conditions that may be described by MARAD in the license. Licenses are issued in conformance with the Act, and with rules and policies of MARAD that implement the Act.

§ 248.28 Who may consult with MARAD on developing the proposed conditions of a license?

Federal agencies, the Adjacent Coastal States, and the owner of the deepwater port may consult with MARAD on the conditions of the license being developed under 33 U.S.C. 1503(e).

§ 248.29 How long does a license last?

Each license remains in effect indefinitely subject to the following:

(a) If it is suspended or revoked by MARAD;

(b) If it is surrendered by the owner; or

(c) As otherwise provided by condition of the license.

§ 248.30 How is a license amended, transferred, or reinstated?

(a) MARAD may amend, transfer, or reinstate a license if it finds that the amendment, transfer, or reinstatement is consistent with the requirements of the Act and this subch; and

(b) The owner must submit a request for an amendment, transfer, or reinstatement to MARAD.

§ 248.31 How is a license enforced, suspended, or revoked?

MARAD may enforce, suspend, or revoke a license under 33 U.S.C. 1511(a) if the licensee fails to comply with any applicable provision of the Act, any applicable rule, regulation, or restriction, or if the licensee fails to comply with a condition stated clearly in the license.

§ 248.32 How soon after deepwater port decommissioning must the licensee initiate removal?

Within two years of deepwater port decommissioning, the licensee must

initiate removal procedures. MARAD will advise and coordinate with appropriate Federal agencies and the States concerning activities covered by this section.

H—Site Evaluation and Pre-Construction Testing

§ 248.33 What does this subpart do?

(a) This subpart prescribes requirements under 33 U.S.C. 1504(b) for the activities that are involved in site evaluation and pre-construction testing at potential locations for deepwater ports and that may:

(1) Adversely affect the environment;

(2) Interfere with authorized uses of the Outer Continental Shelf; or

(3) Pose a threat to human health and welfare.

(b) For the purpose of this subpart, ''site evaluation and pre-construction testing'' means studies performed at potential deepwater port locations, including:

(1) Preliminary studies to determine the feasibility of a site;

(2) Detailed studies of the topographic and geologic structure of the ocean bottom to determine its ability to support offshore structures and other equipment; and

(3) Studies done for the preparation of the environmental analysis required under section 248.5 of this part.

§ 248.34 What are the procedures for notifying MARAD of proposed site evaluation and pre-construction testing?

(a) Any person who wants to conduct site evaluation and pre-construction testing at a potential site for a deepwater port must submit a written notice to MARAD at least 30 days before the beginning of the evaluation or testing. MARAD advises and coordinates with appropriate Federal agencies and the States concerning activities covered by this subpart.

(b) The written notice must include the following:

(1) The names of all parties participating in the site evaluation and pre-construction testing;

(2) The type of activities and the way they will be conducted;

(3) Charts showing where the activities will be conducted and the locations of all offshore structures, including pipelines and cables, in or near the proposed area;

(4) The specific purpose for the activities;

(5) The dates when the activities will begin and end;

(6) The available data on the environmental consequences of the activities;

(7) A preliminary report, based on existing data, of the historical and archeological significance of the area where the proposed activities are to take place. The report must include contacts made with any appropriate State liaison officers for historic preservation; and

(8) Additional information, if necessary, in individual cases.

(c) For the following activities, the notice only needs the information required in paragraphs (b)(1), (b)(2), and (b)(5) of this section, as well as a general indication of the proposed location and purpose of the activities, including:

(1) Gravity and magneto-metric measurements;

(2) Bottom and sub-bottom acoustic profiling, within specified limits, without the use of explosives;

(3) Sediment sampling of a limited nature using either core or grab samplers, and the specified diameter and depth to which the sampling would penetrate if geological profiles indicate no discontinuities that may have archeological significance;

(4) Water and biotic sampling if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if the sampling is permitted by another Federal agency;

(5) Meteorological measurements, including the setting of instruments;

(6) Hydrographic and oceanographic measurements, including the setting of instruments; and

(7) Small diameter core sampling to determine foundation conditions.

(d) A separate written notice is required for each site.

§ 248.35 What are the conditions for conducting site evaluation and pre-construction testing?

(a) No person may conduct site evaluation or pre-construction testing unless it complies with this subpart and other applicable laws.

(b) Measures must be taken to prevent or minimize the effect of activities under section 248.33(a) of this part.

§ 248.36 When conducting site evaluation and pre-construction testing, what must be reported?

(a) When conducting site evaluation or pre-construction testing, the following must be immediately reported by any means to MARAD:

(1) Any evidence of objects of cultural, historical, or archeological significance;

(2) Any adverse effect on the environment;

(3) Any interference with authorized uses of the Outer Continental Shelf;

(4) Any threat to human health and welfare; and

(5) Any adverse effect on an object of cultural, historical, or archeological significance.

(b) Within 120 days after the site evaluation or pre-construction testing, a final written report must be submitted to MARAD that contains:

(1) A narrative description of the activities performed;

(2) A chart, map, or plat of the area where the activities occurred;

(3) The dates when the activities were performed;

(4) Information on the adverse effects of items reported under paragraph (a) of this section;

(5) Data on the historical or archeological significance of the area where the activities were conducted, including a report by an underwater archeologist; and

(6) Any additional information required by MARAD on a case-by-case basis.

§ 248.37 When may MARAD suspend or prohibit site evaluation or pre-construction testing?

(a) MARAD may order, either in writing or orally, with written confirmation, the prohibition or immediate suspension of any activity related to site evaluation or pre-construction testing when the activity threatens to harm:

(1) Human life;

(2) Biota;

(3) Property;

(4) Cultural resources;

(5) Any valuable mineral deposits; or

(6) The environment.

(b) MARAD will consult with the applicant on measures to remove the cause for suspension.

(c) MARAD may lift a suspension after the applicant assures MARAD that the activity will no longer cause the threat on which the suspension was based.

I—Exemption From or Adjustments to Requirements

§ 248.38 How do I apply for an exemption?

(a) Any person required to comply with a requirement in this subchapter may submit a petition for exemption from that requirement;

(b) The petition must be submitted in writing to MARAD; and

(c) MARAD may require the petition to provide an alternative to the requirement.

§ 248.39 What happens when a petition for exemption involves the interests of an Adjacent Coastal State?

If the petition for exemption concerns an Adjacent Coastal State, MARAD forwards the petition to the Governor of the State for the Governor's recommendation.

§ 248.40 When is an exemption allowed?

MARAD may allow an exemption if it determines that:

(a) Compliance with the requirement would be contrary to public interest;

(b) Compliance with the requirement would not enhance safety or the health of the environment;

(c) Compliance with the requirement is not practical because of local conditions or because the materials or personnel needed for compliance are unavailable;

(d) National security or national economy justifies a departure from the rules; or

(e) The alternative, if any, proposed in the petition would:

(1) Ensure comparable or greater safety, protection of the environment, and quality of deepwater port construction, maintenance, and operation; and

(2) Be consistent with recognized principles of international law.

J—Oil Pollution Act of 1990 Limits of Liability for Deepwater Ports

§ 248.41 Where can I find the Oil Pollution Act of 1990 (OPA 90) limits of financial liability for deepwater ports?

(a) The OPA 90 limits of liability for deepwater ports are set forth in 33 CFR ch. I, subch. M. The limits of liability in that subchapter are adjusted periodically for significant increases in the Consumer Price Index, in accordance with 33 U.S.C. 2704(d)(4) and the procedures in 33 CFR ch. I, subch. M; and;

(b) The limits of liability may also be adjusted under 33 U.S.C. 2704(d)(2) and the procedures in 33 CFR ch. I, subch. NN.

§ 248.42 What are the procedures under OPA 90 for adjusting a deepwater port's limit of liability under 33 U.S.C. 2704(d)(2)?

(a) Upon an applicant's or licensee's request, USCG may lower the generally applicable OPA 90 limit of liability for deepwater ports in 33 CFR ch. I, subch. NN. USCG may do so under 33 U.S.C. 2704(d)(2) on a port by-port-basis.

(b) Requests to adjust the limit of liability for a deepwater port must be submitted to USCG. Requests to adjust the limits of liability may be submitted with a license application or upon receipt of a license from MARAD to construct and operate the proposed deepwater port. If the request for adjustment is submitted with the license application, no action will be taken on the request until MARAD issues a license to construct and operate the proposed deepwater port.

K—Environmental Review Criteria for Deepwater Ports

§ 248.43 How does the Deepwater Port Act interact with other Federal and State laws?

(a) Nothing in this part supersedes any Federal, Tribal, or State requirements for the protection of the environment.

(b) The applicant must prepare and submit applications to each respective agency that requires a permit or license to operate the deepwater port.

(c) A list of Federal and State agencies that require certification includes, but is not limited to:

(1) The Environmental Protection Agency, for Clean Air Act and Clean Water Act permits;

(2) The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety;

(3) The Department of the Interior; and

(4) State environmental agencies or permitting agencies.

§ 248.44 How will environmental evaluations be conducted?

Environmental evaluations conducted under this part will be limited to the project that is the subject of the application and will not typically analyze possible environmental effects from upstream and downstream projects separate from that project or impacts beyond the direct impacts of that project, unless required by law.

§ 248.45 What is determined by the environmental evaluation?

(a) The environmental criteria to be used in evaluating a license application are established by consensus of experts, scientific opinion, public interest, and institutional requirements, such as laws and regulations established for the protection of the environment;

(b) Environmental criteria that may be established by future environmental regulations and other requirements to protect the environment may also be used to evaluate license applications; and

(c) The environmental criteria to be used in evaluating a license application are applied to all relevant aspects of:

(1) The construction, operation, and decommissioning phases of a deepwater port;

(2) The operations of the vessels that serve the deepwater port;

(3) The deepwater port's servicing and support activities;

(4) Shore-based construction and fabrication sites;

(5) Shoreside supporting facilities, if appropriate, for the proposed deepwater port; and

(6) The No Action alternative and other reasonable alternatives.

§ 248.46 What type of criteria will be used in an environmental review and how will they be applied?

(a) The license application will be reviewed for the deepwater port's effects on the environment and for the environment's effects on the deepwater port and any of its shoreside support facilities;

(b) The environmental evaluation will be applied to the phases of construction, operation, and decommissioning of the proposed action and alternatives. Alternatives must consider alternate siting of the deepwater port as well as different technologies and pipeline routes. The evaluation will assess at the discretion of the agency and consistent with the scope of the project, the following:

(1) The impacts on the environment, including but not limited to:

(i) Soil, Geology, Seismicity
(ii) Coastal Zone
(iii) Air Quality
(iv) Hazardous Materials
(v) Noise and Vibration
(vi) Public Service and Utilities
(vii) Water Quality
(viii) Surface Water and Groundwater
(ix) Wetlands and Waters of the US
(x) Floodplains
(xi) Stormwater
(xii) Threatened & Endangered Species and Critical Habitat
(xiii) Essential Fish Habitat
(xiv) Historic Preservation and Tribal Resources
(xv) Traffic and Safety
(xvi) Terrestrial Wildlife
(xvii) Vegetation
(xviii) Land Use and Visual Impacts

(2) The effect on oceanographic currents and wave patterns;

(3) The potential risks to a deepwater port from waves, winds, weather, and geological conditions, and the steps that can be taken to protect against or minimize these dangers; and

(4) The effect on human health and welfare, including socioeconomic impacts.

§ 248.47 How are these criteria reviewed and revised?

MARAD periodically reviews and may revise these criteria. Reviews and revisions are conducted in accordance with section 248.44 of this part. The criteria established are consistent with NEPA.

§ 248.48 What environmental conditions must be satisfied?

(a) MARAD may issue a license to construct a deepwater port under the

Act, with or without conditions, if certain specified conditions are met. The relevant environmental considerations include, but are not limited to, the following:

(1) Construction and operation of the deepwater port that will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency, environmental quality, protection from the threat of terrorist attack and other subversive activity against persons and property on the deepwater port and the vessels and crews calling at the deepwater port; and

(2) Under the environmental review criteria in section 248.46 of this part, the applicant has demonstrated that the deepwater port will be constructed, operated, and decommissioned using the best available technology to prevent or minimize adverse impacts on the environment.

(b) Under 33 U.S.C. 1504(f), the criteria in section 248.46 of this part must be considered in the preparation of a single detailed environmental impact statement for all timely applications covering a single application area. In addition, 33 U.S.C. 1504(i)(3) specifies that if more than one application is submitted for an ''application area,'' as defined in 33 U.S.C. 1504(d)(2), the criteria must be used, among other factors, in determining whether any one proposed deepwater port for oil clearly best serves the national interest; and

(c) In accordance with the Department of Transportation's ''Procedures for Considering Environmental Impacts,'' [3] MARAD will prepare a supplemental NEPA analysis if there are substantial changes to the proposed action relevant to environmental or safety concerns, or, in MARAD's discretion, substantial new circumstances or information about the significance of the adverse environmental impacts bearing on the deepwater port and related activities affecting its location, construction, operation or decommissioning.

§ 248.49 How is an environmental review conducted?

The environmental review of a proposed deepwater port and a reasonable range of alternatives consists of Federal, Tribal, and State review of the following two parts:

(a) An evaluation of the proposal's completeness of environmental information and quality of assessment including, but not limited to, geographic relevance, age of data used (generally no more than five years at the time of submission) and methods of data analysis, probable environmental impacts, and identification of procedures or technology that might mitigate probable adverse environmental impacts through avoiding, minimizing, rectifying, reducing, eliminating, or compensating for those impacts; and

(b) An evaluation of the effort made under the proposal to mitigate its probable environmental impacts. This evaluation will assess the applicant's consideration of the criteria in sections 248.51 through 248.56 of this part.

§ 248.50 What are the siting criteria?

In accordance with section 248.50 of this part, the proposed and alternative sites for the deepwater port will be evaluated on the basis of how well each:

(a) Optimizes location to prevent or minimize detrimental environmental effects;

(b) Minimizes the space needed for safe and efficient operation;

(c) Locates offshore components in areas with stable sea bottom characteristics;

(d) Locates onshore components where stable foundations can be developed;

(e) Minimizes the potential for interference with its safe operation from existing offshore structures and activities;

(f) Minimizes the danger posed to safe navigation by surrounding water depths and currents;

(g) Avoids extensive dredging or removal of natural obstacles such as reefs;

(h) Minimizes the danger to the deepwater port, its components, and tankers calling at the deepwater port from storms, earthquakes, or other natural hazards;

(i) Maximizes the permitted use of existing work areas, facilities, and access routes;

(j) Minimizes the environmental impact of temporary work areas, facilities, and access routes;

(k) Maximizes the distance between the deepwater port, its components, and critical habitats including, but not limited to, commercial and sport fisheries, threatened or endangered species habitats, wetlands, flood plains, coastal resources, marine management areas, and essential fish habitats;

(l) Minimizes the displacement of existing or potential mining, oil, or gas exploration and production or transportation uses;

(m) Takes advantage of areas already allocated for similar use, without overusing such areas;

(n) Avoids permanent interference with natural processes or features that are important to natural currents and wave patterns; and

(o) Avoids dredging in areas where sediments contain high levels of heavy metals, biocides, oil or other pollutants or hazardous materials, and in areas designated wetlands or other protected coastal resources.

§ 248.51 Should the construction plan incorporate best available technology and recommended industry practices?

Each applicant must submit a proposed construction plan. It must incorporate best available technology and recommended industry practices as directed in section 248.53 of this part.

§ 248.52 What are the design, construction, and operational criteria?

In accordance with section 248.50 of this part, the deepwater port proposal and a reasonable range of alternatives will be evaluated on the basis of how well they:

(a) Reflect the use of best available technology in design, construction procedures, operations, and decommissioning;

(b) Include safeguards, backup systems, procedures, and response plans to minimize the possibility and consequences of pollution incidents such as spills and discharges, while permitting safe operation with appropriate safety margins under maximum operating loads and the most adverse operating conditions;

(c) Provide for safe, legal, and environmentally sound waste disposal, resource recovery, affected area reclamation, and enhanced use of spoil and waste;

(d) Avoid permanent interference with natural processes or features that are important to natural currents and wave patterns;

(e) Avoid groundwater drawdown or saltwater intrusion, and minimizes mixing salt, fresh, and brackish waters;

(f) Avoid disrupting natural sheet flow, water flow, and drainage patterns or systems;

(g) Avoid interference with biotic populations, especially breeding habitats or migration routes;

(h) Maximize use of existing facilities;

(i) Provide personnel trained in oil spill prevention at critical locations identified in the accident analysis;

(j) Provide personnel trained in oil spill mitigation; and

(k) Plan for safe and effective removal of the deepwater port in the event of its decommissioning.

[3] DOT Order, 5610.1D, DOT's Procedures for Considering Environmental Impacts, July 1, 2025: *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

§ 248.53 What are the land use and coastal zone management criteria?

In accordance with section 248.50 of this part, the deepwater port proposal and a reasonable range of alternatives will be evaluated on the basis of how well they:

(a) Accord with existing and planned land use, including management of the coastal region, for which purpose the proposal must be accompanied by a consistency determination as described in section 248.5(aa) of this part;

(b) Adhere to proposed local and State master plans;

(c) Minimize the need for special exceptions, zoning variances, or non-conforming uses;

(d) Plan flood plain uses in ways that will minimize wetlands loss, flood damage, the need for federally funded flood protection or flood relief, or any decrease in the public value of the flood plain as an environmental resource; and

(e) Avoid permanent alteration or harm to wetlands and take positive steps to minimize adverse effects on wetlands.

§ 248.54 What are other critical criteria that must be evaluated?

In accordance with section 248.50 of this part, the deepwater port proposal and a reasonable range of alternatives will be evaluated on the basis of how well they:

(a) Avoid detrimental effects on human health and safety;

(b) Pose no compromise to national security;

(c) Account for the historic, archeological, and cultural significance of the area, including any potential requirements for historical preservation; and

(d) Plan for serious consideration of the proposal that offers the least potential for environmental harm to the region, or potential mitigation actions, when conflict exists between two or more proposed uses for a site.

§ 248.55 What environmental statutes must an applicant follow?

In constructing and operating a deepwater port, the deepwater port must comply with all applicable Federal, State, and Tribal environmental statutes and regulations. For the purposes of information, a list of Federal environmental statutes that may apply includes but is not limited to: Abandoned Shipwreck Act of 1987 (ASA), Public Law 100–298, 43 U.S.C. 2101, *et seq.;* American Indian Religious Freedom Act (AIRFA), Public Law 95–341, 42 U.S.C. 1996, *et seq.;* Antiquities Act of 1906, Public Law 59–209, 54 U.S.C. 320301, *et seq.;* Archeological and Historic Preservation Act of 1974 (AHPA), Public Law 93–291, 54 U.S.C. 312501, *et seq.;* Archeological Resources Protection Act of 1979 (ARPA), Public Law 96–95, 16 U.S.C. 470aa, *et seq.;* Architectural Barriers Act of 1968 (ABA), Public Law 90–480, 42 U.S.C. 4151, *et seq.;* Clean Air Act of 1977 (CAA), Public Law 88–206, 42 U.S.C. 7401, *et seq.;* Clean Water Act of 1977 (CWA), Public Law 95–217, 33 U.S.C. 1251, *et seq.;* Coastal Barrier Resources Act (CBRA), Public Law 97–348, 16 U.S.C. 3510, *et seq.;* Coastal Zone Management Act (CZMA), Public Law 92–583, 16 U.S.C. 1451, *et seq.;* Community Environmental Response Facilitation Act (CERFA), Public Law 102–426, 42 U.S.C. 9620*;* Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also commonly referred to as Superfund, Public Law 96–510, 42 U.S.C. 9601, *et seq.;* Department of Transportation Act, section 4(f), Public Law 89–670, 49 U.S.C. 303 and 23 U.S.C. 138*;* Emergency Planning and Community Right-to-Know Act (EPCRA), Public Law 99–499, 42 U.S.C. 11001, *et seq.;* Endangered Species Act of 1973 (ESA), Public Law 93–205, 16 U.S.C. 1531, *et seq.;* Environmental Quality Improvement Act of 1970, Public Law 91–224, 42 U.S.C. 4371, *et seq.;* Farmlands Protection Policy Act (FPPA), Public Law 97–98, 7 U.S.C. 4201, *et seq.;* Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Public Law 80–104, 7 U.S.C. 136, *et seq.;* Fish and Wildlife Act of 1956, Public Law 84–1024, 16 U.S.C. 742, *et seq.;* Fish and Wildlife Coordination Act (FWCA), Public Law 85–624, 16 U.S.C. 661, *et seq.;* Flood Disaster Protection Act of 1973 (FDPA), Public Law 93–234, 42 U.S.C. 4002, *et seq.;* Historic Sites Act of 1935, Public Law 74–292, 54 U.S.C. 320101, *et seq.;* Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA or MSA), Public Law 94–265, 16 U.S.C. 1801, *et seq.;* Marine Mammal Protection Act of 1972 (MMPA), Public Law 92–522, 16 U.S.C. 1361, *et seq.;* Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92–532, 16 U.S.C. 1431, *et seq.* and 33 U.S.C. 1401, *et seq.;* Migratory Bird Treaty Act (MBTA), Public Law 65–186, 16 U.S.C. 703, *et seq.;* NEPA, Public Law 91–190, 42 U.S.C. 4321, *et seq.;* National Historic Preservation Act of 1966 (NHPA), Public Law 89–665, 16 U.S.C. 470, *et seq.;* Native American Graves Protection and Repatriation Act (NAGPRA), Public Law 101–601, 25 U.S.C. 3001, *et seq.;* Noise Control Act of 1972, Public Law 92–574, 42 U.S.C. 4901, *et seq.;* Pollution Prevention Act of 1990 (PPA), Public Law 101–508, 42 U.S.C. 13101, *et seq.;* Resource Conservation and Recovery Act of 1976 (RCRA), Public Law 94–580, 42 U.S.C. 6901, *et seq.;* Rivers and Harbors Act of 1899 (RHA), 30 Stat. 1151, 33 U.S.C. 403; Safe Drinking Water Act (SDWA), Public Law 93–523, 42 U.S.C. 300f, *et seq.;* Toxic Substances Control Act (TSCA), Public Law 94–469, 15 U.S.C. 2601, *et seq.;* and Wild and Scenic Rivers Act, Public Law 90–542, 16 U.S.C. 1271, *et seq.*

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–22617 Filed 11–4–26; 8:45 am]

BILLING CODE 4910–81–P

Notices

Federal Register
Vol. 91, No. 213
Thursday, November 5, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 7, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Institute of Food and Agriculture

Title: Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Programs to Request a New Lifecycle Certification Form.

OMB Control Number: 0524–0053.

Summary of Collection: The Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) programs at the U.S. Department of Agriculture (USDA) make competitively awarded grants to qualified small businesses to support high quality, advanced concepts research related to important scientific problems and opportunities in agriculture that could lead to significant public benefit if successful. The USDA SBIR/STTR Program Office proposes to contact Phase I and II SBIR/STTR awardees to request submission of the Lifecycle Certification form as part of their interim and final reports, as required by the Small Business Administration's ''SBA SBIR/STTR Policy Directive,'' dated October 1, 2020. In 1982, the Small Business Innovation Research (SBIR) Grants Program was authorized, Public Law 97–219, and in 2022, the BIR and STTR Extension Act of 2022, reauthorized the SBIR and Small Business Technology Transfer (STTR) programs through September 30, 2025.

Need and Use of the Information: The Lifecycle Certification form is used by USDA to ensure Small Business Concerns continue to meet specific program requirements during the life of the Funding Agreement. The Lifecycle Certification form documents grantee compliance with the SBIR/STTR eligibility requirements and is required as part of agency close-out procedures.

Description of Respondents: Individuals.

Number of Respondents: 180.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 90.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–22616 Filed 11–4–26; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Correction

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 7, 2026, will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Agricultural Surveys Program.

OMB Control Number: 0535–0213.

Summary of Collection: The Department of Agriculture published a document in the **Federal Register** on October 16, 2026, Volume 91, page 65715 concerning a request for

comments for Information Collection ''Agricultural Surveys Program'' OMB control number 0535–0213. In this FRN, the number of respondents 596,600 and total burden hours 207,289 are incorrect. The FRN should read for number of respondents 605,600 and total burden hours 207,710.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–22632 Filed 11–4–26; 8:45 am]

BILLING CODE 3410–18–P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2027–0002–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board previously reviewed and made formal disclosure determinations on records related to civil rights cold case incident 2023–002–013 in which the Department of Justice (DOJ) proposed postponements. The DOJ later proposed one additional postponement. On October 27, 2026, the Review Board rejected this additional postponement. By issuing this notice, the Review Board complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov.*

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Review board decision
2023–002–013	2024–DOJ–02–0620a	Reject.

Dated: November 2, 2026.

Stephannie Oriabure,

Chief of Staff.

[FR Doc. 2026–22567 Filed 11–4–26; 8:45 am]

BILLING CODE 6820–SY–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturers' Shipments, Inventories, & Orders (M3) Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on 7/20/2026 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: Manufacturers' Shipments, Inventories, & Orders (M3) Survey.

OMB Control Number: 0607–0008.

Form Number(s): M–3(SD).

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 5,000 (12 responses per respondent).

Average Hours per Response: 20 Minutes.

Burden Hours: 20,000.

Needs and Uses: The M3 survey is designed to measure current industrial activity and to provide an indication of future production commitments. Shipments, new and unfilled orders, and inventories data provide a current statistical measurement of the domestic manufacturing sector in the U.S. economy. The value of shipments measures the value of goods delivered during the month by domestic manufacturers. Estimates of new orders serve as an indicator of future production commitments and represent the current sales value of new orders received during the month, net of cancellations. Substantial accumulation or depletion of unfilled orders measures excess (or deficient) demand for manufactured products. The level of inventory, especially in relation to shipments, is frequently used to monitor the business cycle. Manufacturing is a vital sector to the U.S. economy contributing to job creation, innovation, and national security.

The M3 survey provides an essential component of the current economic indicators needed for assessing the evolving status of the economy and formulating economic policy. The Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), has designated this survey as a principal federal economic indicator. The shipments and inventories data are essential inputs of the Gross Domestic Product (GDP). The orders data are direct inputs to The Conference Board Leading Economic Index (LEI), which is a composite index of ten key elements designed to monitor the business cycle. The GDP and the LEI would be incomplete without these data. Orders for durable goods are an important leading economic indicator. Businesses and consumers generally place orders for durable goods when they are confident the economy is improving. A durable goods report showing an increase in orders is a sign that the economy is trending upwards. Durable goods orders tell investors what to expect from the manufacturing sector, a major component of the economy. The M3 survey also provides valuable and timely domestic manufacturing data for economic planning and analysis to business firms, trade associations, research and consulting agencies, and academia.

Shipments, new and unfilled orders, and inventories estimates are used by the Bureau of Economic Analysis (BEA), Council of Economic Advisers (CEA), Federal Reserve Board (FRB), Bureau of Labor Statistics (BLS), The Conference Board, and other government agencies, as well as business users in formulating economic decisions.

BEA is the primary Federal user of data collected in the M3 survey. BEA

uses shipments, inventories, and inventories-to-shipments ratio estimates from the M3 survey to prepare the national income and product accounts (NIPA). Shipments data contribute to annual and quarterly GDP, the annual input-output (I–O) accounts, quarterly GDP by industry statistics, and quarterly gross operating surplus estimates. BEA is strongly in favor of publishing advanced total manufacturing estimates, as well as the increased detail for the nondurable goods industries. Additionally, details on manufacturing inventories are used to prepare the quarterly change in private domestic inventories, the annual I–O accounts tables, and quarterly GDP-by-industry statistics.

CEA, other government agencies, and businesses use the survey results to formulate and make decisions. CEA reports manufacturing data, one of the principal federal economic indicators, to the President each month for awareness on the current state of the economy. In addition, CEA's Macroeconomic Forecaster uses manufacturing shipments and new orders data, two of the key monthly data releases each month, to keep track of real economic growth in the current quarter and the future production demand for manufacturing sector.

The BLS uses the data as input to their Producer Price Indexes and in developing productivity measurements.

Policymakers, such as the FRB, need to have the timeliest estimates in order to anticipate economic trends, and act accordingly based on the economic momentum when setting monetary and fiscal policy. FRB also uses M3 estimates to calculate monthly industrial production indexes for manufacturing industries.

The Conference Board uses M3 new orders, a leading economic indicator of manufacturing activities, as a base for its LEI, which is designed to monitor the business cycle. Private businesses and market analysts are tracking manufacturing new orders and shipments to anticipate demand, adjust production, and manage inventories. A surge in orders may prompt hiring, capacity expansion, or capital investment. A decline may trigger cost-cutting or market diversification. Breaking down orders by durable and non-durable goods helps identify trends in capital spending (durable goods manufacturing industries) versus consumer demand (nondurable goods manufacturing industries). This granularity is valuable for investors, analysts, and corporate planners.

Information quality is an integral part of the pre-dissemination review of the information disseminated by the U.S. Census Bureau (fully described in the U.S. Census Bureau's Information Quality Guidelines). Information quality is also integral to the information collected by the U.S. Census Bureau and is incorporated into the clearance process required by the Paperwork Reduction Act.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 131, 182 and 193.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0008.

Sheleen Dumas,

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

[FR Doc. 2026–22541 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Internet Panel Pretesting and Qualitative Survey Methods Testing

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 20, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: Generic Clearance for internet Panel Pretesting and Qualitative Survey Methods Testing.

OMB Control Number: 0607–0978.

Form Number(s): Various.

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 67,600.

Average Hours per Response: 0.25 hours.

Burden Hours: 16,900.

Needs and Uses: The information collected in this program will be used by the Census Bureau and survey sponsors to test alternative contact methods, including emails and text messages, improve online questionnaires and procedures, reduce respondent burden, and ultimately increase the quality of data collected in the censuses and surveys. The clearance will be used to conduct testing of decennial and demographic census and survey questionnaires as well as communications and/or marketing strategies and data dissemination tools for the Census Bureau prior to fielding them. Testing activities will primarily involve split panel experiment tests or remote usability testing but may also include other qualitative research conducted on the internet such as cognitive interviews, focus groups, and debriefings. Because the questionnaires being tested under this clearance are still in the process of development, the data that result from these collections are not considered official statistics of the Census Bureau or other Federal agencies. Data will be included in research reports prepared for sponsors inside and outside of the Census Bureau. The results may also be prepared for presentations related to survey methodology at professional meetings or publications in professional journals.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

Legal Authority: Data collection for this project is authorized under the authorizing legislation for the questionnaire being tested. This may be Title 13, Sections 131, 141, 161, 181, 182, 193, and 301 for Census Bureau-sponsored surveys, and Title 13, Section 8(b) and Title 15 for surveys sponsored by other Federal agencies. We do not now know what other titles will be referenced, since we do not know what

survey questionnaires will be pretested during the course of the clearance.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0978.

Sheleen Dumas,

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

[FR Doc. 2026–22596 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–75–2026]

Foreign-Trade Zone (FTZ) 18; Withdrawal of Notification of Proposed Production Activity; Super Micro Computer, Inc.; (High-Performance Computing Systems); San Jose, Fremont, and Milpitas, California

Notice is hereby given of the withdrawal of the notification of proposed production activity submitted by Super Micro Computer, Inc. for its facilities in San Jose, Fremont, and Milpitas, California, within FTZ 18. The notification was docketed on June 17, 2026 (91 FR 37072, June 22, 2026). The withdrawal was requested by Super Micro Computer, Inc. on October 30, 2026.

Dated: November 2, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–22621 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–64–2026]

Foreign-Trade Zone (FTZ) 252, Notification of Proposed Production Activity; Fermi Inc.; (Modular Nuclear Power Plant and Natural Gas Power Plant); Panhandle, Texas; Correction

SUMMARY: The **Federal Register** notice published on June 11, 2026, regarding the notification of proposed production activity submitted by Fermi Inc. is being corrected.

FOR FURTHER INFORMATION CONTACT: Christopher Williams at *Christopher.Williams@trade.gov;* telephone 202–482–5166.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** notice of June 11, 2026 (91 FR 35458) in FR Doc. 2026–11775, on page 35458, the third paragraph ''The proposed finished products include a constructed nuclear power plant facility and a constructed natural gas power plant facility.'' is corrected to read as ''The proposed finished products include a constructed nuclear power plant facility and a constructed natural gas power plant facility (duty rate 2.5%).''

Dated: November 2, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–22619 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–142–2026]

Foreign-Trade Zone (FTZ) 70, Notification of Proposed Production Activity; Heidtman Tubular Products, LLC; (Galvanized Tubing); Erie, Michigan

Heidtman Tubular Products, LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Erie, Michigan within Subzone 70AF. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on October 20, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include steel row tubes, steel tubes, and steel brackets (duty free).

The proposed foreign-status materials/components include flat rolled steel coils and flat rolled steel coils coated with zinc (duty free).

The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 depending on the country of origin. The applicable section 232 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is December 15, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Brian Warnes at *brian.warnes@trade.gov.*

Dated: November 2, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–22620 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–32–2026]

Foreign-Trade Zone (FTZ) 81; Authorization of Production Activity; Hypertherm Inc.; (Plasma Cutting Equipment and Components); Hanover and Lebanon, New Hampshire

On March 20, 2026, Hypertherm Inc. submitted a notification of proposed production activity to the FTZ Board for its facilities within Subzone 81H, in Hanover and Lebanon, New Hampshire.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (91 FR 14679, March 26, 2026). On November 2, 2026, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the

notification was authorized on a limited basis, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14, and further subject to a one-year time limit, with the exception of the use of precision cut hafnium wire as a foreign-status component, which requires further review. If the applicant wishes to seek authorization for this component, it will need to submit an application for production authority, pursuant to section 400.23.

Dated: November 2, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–22622 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–37–2026]

Production Activity Not Authorized; Foreign-Trade Zone (FTZ) 21; Turbocam Inc.; (Turbine System Components); Ladson, South Carolina

On March 30, 2026, the South Carolina Ports Authority, grantee of FTZ 21, submitted a notification of proposed production activity to the FTZ Board on behalf of Turbocam Inc., within FTZ 21 in Ladson, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (91 FR 17245, April 6, 2026). On November 2, 2026, the applicant was notified of the FTZ Board's decision that further review of the activity is warranted. The production activity described in the notification was not authorized. If the applicant wishes to seek authorization for this activity, it will need to submit an application for production authority, pursuant to section 400.23.

Dated: November 2, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–22634 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–141–2026]

Foreign-Trade Zone (FTZ) 155, Notification of Proposed Production Activity; Kerrville Public Utility Board Public Facility Corporation; (Natural Gas Reciprocating Internal Combustion Engine Generation Power Plant); Garwood, Texas; Correction

SUMMARY: The **Federal Register** notice published on October 28, 2026, regarding the notification of proposed production activity submitted by the Kerrville Public Utility Board Public Facility Corporation is being corrected.

FOR FURTHER INFORMATION CONTACT: Christopher Wedderburn at *Chris.Wedderburn@trade.gov;* telephone 202–482–1963.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** notice of October 28, 2026 (91 FR 67815) in FR Doc. 2026–21928, on page 67815, the third paragraph ''The proposed finished product is a natural gas reciprocating internal combustion engine generation power plant facility.'' is corrected to read as ''The proposed finished product is a natural gas reciprocating internal combustion engine generation power plant facility (duty rate 2%).''

Dated: November 2, 2026.

Colin Agostisi,

Executive Secretary.

[FR Doc. 2026–22635 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Rossiya Airlines, Pilotov St 18–4, St. Petersburg, Russia, 196210; Order Renewing Temporary Denial of Export Privileges

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (''EAR'' or ''the Regulations''),[1] I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the temporary denial order (''TDO'') issued in this matter on November 4, 2025. I find that renewal of this order is necessary in the public interest to prevent an imminent violation of the Regulations and that renewal for an extended period is appropriate because Rossiya Airlines (''Rossiya'') has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR.

I. Procedural History

On May 20, 2022, the then-Assistant Secretary of Commerce for Export Enforcement signed an order denying Rossiya's 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 was issued *ex parte* pursuant to Section 766.24(a) of the Regulations and was effective upon issuance.[2] The TDO was subsequently renewed in accordance with Section 766.24(d) of the Regulations on November 15, 2022.[3] Subsequent renewal orders were issued on May 12, 2023, November 8, 2023, November 5, 2024, and November 4, 2025, respectively, and were also effective upon issuance.[4]

On October 8, 2026, BIS, through OEE, submitted a written request for a sixth renewal of the TDO. The written request was made more than 20 days before the TDO's scheduled expiration and, given the temporary suspension of international mail service to Russia, OEE has attempted to deliver a copy of the renewal request to Rossiya by alternative means in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received.

II. Renewal of the TDO

A. Legal Standard

Pursuant to Section 766.24, BIS may issue 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, or any order, license or

[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] The TDO was published in the **Federal Register** on May 25, 2022 (87 FR 31856).

[3] The November 15, 2022 renewal order was published in the **Federal Register** on November 21, 2022 (87 FR 70780). At the time of the renewal, Section 766.24(d) provided 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.

[4] The May 12, 2023 renewal order was published in the **Federal Register** on May 17, 2023 (88 FR 31483). The November 8, 2023 renewal order was published in the **Federal Register** on November 14, 2023 (88 FR 77952). The November 5, 2024 renewal order was published in the **Federal Register** on November 8, 2024 (89 FR 88721). The November 4, 2025 renewal order was published in the **Federal Register** on November 13, 2025 (90 FR 50938).

authorization issued thereunder. 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.*

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.'' [5] *Id.*

B. The TDO and BIS's Request for Renewal

Effective February 24, 2022, BIS imposed controls on aviation-related (*e.g.,* Commerce Control List Categories 7 and 9) items to Russia, including 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).[6] BIS will review any export or reexport license applications for such items under a policy of denial. *See* Section 746.8(b). Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft (''AVS'') (Section 740.15 of the EAR).[7] Any U.S.-origin aircraft or foreign aircraft that includes more than 25% controlled U.S.-origin content, and that is registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia, is subject to a license requirement before it can travel to Russia.

OEE's request for renewal for a period of one year is based upon the facts underlying the issuance of the initial TDO and the renewal orders subsequently issued in this matter on November 15, 2022, May 12, 2023, November 8, 2023, November 5, 2024, and November 4, 2025, as well as other evidence developed during this investigation. This evidence demonstrates that Rossiya has continued, and continues, to disregard U.S. export controls and the terms of previously issued TDOs. Specifically, the initial TDO, issued on May 20, 2022, was based on evidence that Rossiya engaged in conduct prohibited by the Regulations by operating multiple aircraft subject to the EAR and classified under ECCN 9A991.b on flights into Russia after March 2, 2022, from destinations including, but not limited to, Hurghada, Egypt; Sharm el-Sheikh, Egypt; Dubai, United Arab Emirates; and Sharjah, United Arab Emirates, without the required BIS authorization.[8] Further evidence indicated that Rossiya also operated aircraft subject to the EAR domestically on flights within Russia, potentially in violation of Section 736.2(b)(10) of the Regulations.

As discussed in the prior renewal orders, BIS presented evidence indicating that, after the initial TDO issued, Rossiya continued to operate aircraft subject to the EAR and classified under ECCN 9A991.b on flights both into and within Russia, in violation of the Regulations and the TDO itself.[9] The November 15, 2022 renewal order detailed flights into and out of Russia from/to Antalya and Istanbul, Turkey, as well as within Russia.[10] The May 12, 2023 renewal order detailed flights into and out of Russia from/to Hurghada and Sharm el-Sheikh, Egypt and Istanbul, Turkey.[11] Similarly, the November 8, 2023 renewal order detailed flights into and out of Russia from/to Bishkek, Kyrgyzstan; Samarkand, Uzbekistan; and Hurghada and Sharm el-Sheikh, Egypt.[12] The November 5, 2024 renewal order detailed flights into and out of Russia from/to Sanya, China and Bishkek, Kyrgyzstan, as well as domestically within Russia.[13] The November 4, 2025 renewal order detailed flights from/to Sharm el-Sheikh, Egypt and Samarkand, Uzbekistan, as well as domestically within Russia.[14]

Since that time, Rossiya has continued to engage in conduct prohibited by the applicable TDO and Regulations. In its October 8, 2026 request for renewal of the TDO, BIS submitted evidence that Rossiya continues to operate aircraft subject to the EAR and classified under ECCN 9A991.b, both on flights into and within Russia, in violation of the November 4, 2025 renewal order and/or the Regulations. Specifically, BIS's evidence and related investigation demonstrates that Rossiya continued to operate aircraft subject to the EAR, including, but not limited to, on flights into and out of Russia from/to Yerevan, Armenia; Guangzhou, China; Shanghai, China; Sanya, China; Sharm el-Sheikh, Egypt; Hurghada, Egypt; Osh, Kyrgyzstan; Antalya, Turkey; and Tashkent, Uzbekistan, as well as domestically

[5] 88 FR 59791 (Aug. 30, 2023).

[6] 87 FR 12226 (Mar. 3, 2022). Additionally, BIS published a final rule effective April 8, 2022, which imposed licensing requirements on items controlled on the Commerce Control List (''CCL'') under Categories 0–2 that are destined for Russia or Belarus. Accordingly, now all CCL items require export, reexport, and transfer (in-country) licenses if destined for or within Russia or Belarus. 87 FR 22130 (Apr. 14, 2022).

[7] 87 FR 13048 (Mar. 8, 2022).

[8] Publicly available flight tracking information shows that on March 8, 2022, serial number (SN) 27650 flew from Hurghada, Egypt to Moscow, Russia. On March 6, 2022, SN 41212 flew from Sharm el-Sheikh, Egypt to St. Petersburg, Russia. In addition, on March 6, 2022, SN 44435 flew from Dubai, United Arab Emirates to St. Petersburg, Russia. Similarly, on March 7, 2022, SN 41202 flew from Sharjah, United Arab Emirates to Moscow, Russia.

[9] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

[10] Publicly available flight tracking information shows that SN 35278 flew from Antalya, Turkey to Moscow, Russia on November 12, 2022 and from Kaliningrad, Russia to Moscow, Russia on September 29, 2022. In addition, SN 33622 flew from Istanbul, Turkey to St. Petersburg, Russia on November 2, 2022 and from Krasnoyarsk, Russia to Irkutsk, Russia on November 5, 2022.

[11] Publicly available flight tracking information shows that SN 34900 flew from Sharm el-Sheikh, Egypt to Moscow, Russia on March 20, 2023. Additionally, SN 34897 flew from Istanbul, Turkey to Moscow, Russia on March 16, 2023 and SN 28515 flew from Magadan, Russia to Anadyr, Russia on April 25, 2023.

[12] Publicly available flight tracking information shows that SN 34900 flew from Bishkek, Kyrgyzstan to Krasnoyarsk, Russia on November 3, 2023 and from Sharm el-Sheikh, Egypt to Moscow, Russia on September 21, 2023. In addition, SN 35278 flew from Samarkand, Uzbekistan to St. Petersburg, Russia on August 4, 2023. On November 1 to November 2, 2023, SN 34897 flew from Hurghada, Egypt to Samara, Russia.

[13] Publicly available flight tracking information shows that SN 34900 flew from Sanya, China to Krasnoyarsk, Russia on October 18, 2024. Additionally, SN 34897 flew from Bishkek, Kyrgyzstan to Krasnoyarsk, Russia on August 28, 2024. Also on August 28, 2024, SN 28531 flew from Magadan, Russia to Moscow, Russia.

[14] Publicly available flight tracking information shows that SN 34900 flew from Samarkand, Uzbekistan to St. Petersburg, Russia on March 28, 2025. SN 41232 flew from Kazan, Russia to Sharm el-Sheikh, Egypt on October 3, 2025 and from Sharm el-Sheikh, Egypt to Ufa, Russia on October 5, 2025.

within Russia. Information about those flights includes, but is not limited to, the following:

Tail No.	Serial No.	Aircraft type	Departure/arrival cities	Dates
RA–73187	41201	737–8LJ	Guangzhou, China to Krasnoyarsk, Russia	September 30, 2026.
RA–73817	41201	737–8LJ	Krasnoyarsk, Russia to Sochi, Russia	September 25, 2026.
RA–73817	41201	737–8LJ	Shanghai, China to Krasnoyarsk, Russia	September 24, 2026.
RA–73817	41201	737–8LJ	Osh, Kyrgyzstan to Krasnoyarsk, Russia	August 31, 2026.
RA–73817	41201	737–8LJ	Tashkent, Uzbekistan to Krasnoyarsk, Russia	August 28, 2026.
RA–73817	41201	737–8LJ	Yerevan, Armenia to St. Petersburg, Russia	August 26, 2026.
RA–73819	41202	737–8LJ	Osh, Kyrgyzstan to Krasnoyarsk, Russia	September 28, 2026.
RA–73819	41202	737–8LJ	Sanya, China to Krasnoyarsk, Russia	September 27, 2026.
RA–73819	41202	737–8LJ	Krasnoyarsk, Russia to Guangzhou, China	September 26, 2026.
RA–73819	41202	737–8LJ	Shanghai, China to Krasnoyarsk, Russia	September 26, 2026.
RA–73819	41202	737–8LJ	Tashkent, Uzbekistan to Krasnoyarsk, Russia	September 25, 2026.
RA–73819	41202	737–8LJ	Anadyr, Russia to Krasnoyarsk, Russia	September 23, 2026.
RA–73209	41236	737–8LJ	Antalya, Turkey to Moscow, Russia	September 29, 2026.
RA–73209	41236	737–8LJ	Sharm el-Sheikh, Egypt to Moscow, Russia	September 27, 2026.
RA–73209	41236	737–8LJ	Hurghada, Egypt to Moscow, Russia	September 26, 2026.
RA–73209	41236	737–8LJ	Chelyabinsk, Russia to Hurghada, Egypt	September 22, 2026.
RA–73209	41236	737–8LJ	Hurghada, Egypt to Perm, Russia	September 8, 2026.
RA–73211	41232	737–8LJ	Sharm el-Sheikh, Egypt to UFA, Russia	August 23, 2026.
RA–73211	41232	737–8LJ	Sharm el-Sheikh, Egypt to Perm, Russia	August 20, 2026.
RA–73211	41232	737–8LJ	Hurghada, Egypt to Moscow, Russia	August 18, 2026.
RA–73211	41232	737–8LJ	Moscow, Russia to Antalya, Turkey	August 14, 2026.

III. 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 Rossiya has acted in violation of the Regulations and the TDO; that such violations have been significant and deliberate; 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 because Rossiya has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR. Therefore, renewal of the TDO for one year 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 avoid dealing with Rossiya, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

IV. Order

It is therefore ordered:

First, Rossiya Airlines, Pilotov St 18–4, St. Petersburg, Russia, 196210, when acting for or on their behalf, any successors or assigns, agents, or employees 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 (except directly related to safety of flight), 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 except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations; 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 except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations.

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 Rossiya any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by Rossiya 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 Rossiya acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from Rossiya of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

D. Obtain from Rossiya 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 except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations; 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 Rossiya, or service any item, of whatever origin, that is owned, possessed or controlled by Rossiya if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations. 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 Rossiya 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.

In accordance with the provisions of Sections 766.24(e) of the EAR, Rossiya 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 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 Rossiya 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 Rossiya and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for one year.

Dated: November 3, 2026.

David A. Peters,

Assistant Secretary of Commerce Secretary for Export Enforcement.

[FR Doc. 2026–22598 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with September anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with September anniversary dates. All deadlines for the submission of various types of information, certifications, comments, or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we normally intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data, Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our respondent selection decision within 35 days of the **Federal Register** publication of the initiation notice. Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of the review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of the review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of the AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to the review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to: (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Q&V questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of the proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this initiation notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Certification Eligibility

Commerce may establish a certification process for companies whose exports to the United States could contain both subject and non-subject merchandise. Companies under review that were deemed to not be eligible to participate in the certification program of that proceeding may submit a Certification Eligibility Application to establish that they maintain the necessary systems to track their sales to the United States of subject and non-subject goods.

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

All firms listed below that are not currently eligible to certify but wish to establish certification eligibility are required to submit a Certification Eligibility Application. The Certification Eligibility Application will be available on Commerce's website at *https://www.trade.gov/sites/default/files/2026-02/Certification-Eligibility-Application.pdf?v=1777492320626.* Certification Eligibility Applications must be filed according to Commerce's regulations and are due to Commerce no later than 30 calendar days after the publication of the **Federal Register** notice.

Exporters and producers that are not currently eligible to certify, who submit a Certification Eligibility Application, and are subsequently selected as mandatory respondents must respond to all parts of the questionnaire as mandatory respondents for Commerce to consider their Certification Eligibility Application.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than September 30, 2027.

	Period to be reviewed
AD Proceedings	
INDIA: Certain Lined Paper Products, A–533–843	9/1/25–8/31/26
Cellpage Ventures Private Limited	
Dinakar Process Private Limited	
ITC Limited	
JC Stationery (P) Ltd	
Kokuyo Riddhi Paper Products Private Limited	
LGPL Paper Industries Private Limited; Lotus Global Private Limited	
M/s. Bhaskar Paper Products	
Navneet Education Limited	
Pioneer Stationery Pvt. Ltd.	
P P Bafna Ventures Private Limited	
SAB International	
SGM Paper Products	
Super Impex	
INDIA: Mattresses, A–533–919	9/1/25–8/31/26
Duroflex Limited	
Parshva Mattress and Foam	
Varahamurti Flexirub Industries PV	
Varahamurti Flexirub Industries Private Limited	
ISRAEL: Brass Rod, A–508–814	9/1/25–8/31/26
Finkelstein Metals Ltd.	
MEXICO: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–201–847	9/1/25–8/31/26
Aceromex S.A. de C.V.	
Aceros El Fraile S.A. de C.V.	
Aceros Tepotzotlan S.A. de C.V.	
Buffalo Tube S.A. de C.V	
Cima Terminal, S.A. de C.V.	
Esliter de Mexico S.A. de C.V.	
Flexometal S.A. de C.V.	
Fortacero S.A. de C.V	
Forza Steel S.A. de C.V.	
Galvanizador A California S.A.P.I de C.V.	
Grupo Collado S.A. de C.V.	
Lamina Alambre y Malla S.A. de C.V.	
Maquilacero S.A. de C.V.	
P.J. Trailers Company S.A. de C.V	
Perfiles LM, S.A. de C.V.	
Perfiles y Herrajes LM S.A. de C.V.	
Placa y Fierro de Monterrey S.A. de C.V.	
Productos Laminados de Monterrey S.A. de C.V.	
Regiomontana de Perfiles y Tubos S.A. de C.V.	
Serviacero Tubulares, S.A. de C.V.	
Tuberia Forza S.A. de C.V.	
MEXICO: Mattresses, A–201–859	9/1/25–8/31/26
Ikano Industry Mexico S.A. De C.V.	
Kuka Sleep SA De CV	
Poliuretanos SA De CV	
Ureblock S.A. de C.V.	
OMAN: Common Alloy Aluminum Sheet, A–523–814	4/1/25–3/31/26
Oman Aluminium Rolling Company LLC[4]	
REPUBLIC OF KOREA: Certain Oil Country Tubular Goods, A–580–870	9/1/25–8/31/26
AJU Besteel Co., Ltd.	
Dong-A Steel Co., Ltd.	
HiSteel Co., Ltd.	
Husteel Co., Ltd.	
Hyundai Steel Pipe Co., Ltd.	
ILJIN Steel Corporation	
K Steel Corporation	

	Period to be reviewed
Keonwoo Metals Co., Ltd.	
Kukje Steel Co., Ltd.	
Kumkang Kind Co., Ltd	
MSTEEL Co., Ltd	
NEXTEEL Co., Ltd.	
Nissei Trading Co., Ltd.	
POSCO International Corporation	
SeAH Steel Corporation	
Sung Won Steel Co., Ltd.	
TGS Pipe Co. Ltd.	
REPUBLIC OF KOREA: Certain Cold-Rolled Steel Flat Products, A–580–881	9/1/25–8/31/26
AJU Steel Co., Ltd.	
Ameri-Source Korea	
Dai Yang Metal Co., Ltd.	
DCM Corporation	
DK GNS Co., Ltd.	
Dongbu Incheon Steel Co., Ltd.	
Dongbu Steel Co., Ltd.	
Dongkuk Industries Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
GS Global Corporation	
Hanawell Co., Ltd.	
Hankum Co., Ltd.	
Hwashin Co. Ltd.	
Hyosung TNC Corporation	
Hyundai Corporation	
Hyundai Steel Company	
Iljin NTS Co., Ltd.	
Iljin Steel Corp.	
JMP Co., Ltd.	
KG Dongbu Steel Co., Ltd.	
Korinox Co., Ltd.	
Mikwang Precision Manufacture Co., Ltd.	
Okaya Korea Co., Ltd.	
POSCO; POSCO International Corporation	
POSCO Coated and Colored Steel Co., Ltd.	
Samhwan Steel Co., Ltd.	
Samsung C & T Corporation	
Samsung Electronics Co., Ltd.	
Samsung STS Co., Ltd.	
SeAH Changwon Integrated Special Steel Corporation	
SeAH Coated Metal Corporation	
SeAH Steel Corporation	
Shin Steel Co., Ltd.	
Shin Young Co., Ltd.	
Signode Korea Inc.	
SK Networks Co., Ltd.	
Soon Hong Trading Co., Ltd.	
Sungjin Co., Ltd.	
Taesan Corporation	
TCC Steel Corporation	
TI Automotive Ltd.	
TI Fluid Systems	
Wolverine Korea Co., Ltd.	
REPUBLIC OF KOREA: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–580–880	9/1/25–8/31/26
Dong-A Steel Company	
Dong-A Steel Co., Ltd.	
Dongbu Steel Co., Ltd	
HiSteel Co., Ltd.	
HuSteel Co. Ltd.	
Hyundai Steel Pipe	
KG Dongbu Steel Co. Ltd.	
Kukje Steel Co., Ltd.	
NEXTEEL Co., Ltd.	
SeAH Steel Corporation	
REPUBLIC OF TÜRKIYE: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–489–824	9/1/25–8/31/26
Agir Haddecilik A.S.	
Cinar Boru Profil San Ve Tic. Stl.	
MTS Lojistik ve Tasimacilik Hizmetleri TIC A.S. Istanbul	
MMZ Onur Boru Profil Uretim San Ve Tic. AS.	
Noksel Celik Boru Sanayi A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Certain Oil Country Tubular Goods, A–552–817	9/1/25–8/31/26
Pusan Pipe America, Inc.	
SeAH Steel VINA Corporation	

	Period to be reviewed
SOCIALIST REPUBLIC OF VIETNAM: Frozen Fish Fillets,[5] A–552–801	8/1/24–7/31/26
Vinh Hoan Corporation; Van Duc Food Export Joint Stock Company (also known as Van Duc); Van Duc Tien Giang Food Export Company (also known as VDTG or Van Duc Tien Giang Food Exp. Co.); Thanh Binh Dong Thap One Member Company Limited (also known as Thang Binh Dong Thap or Thanh Binh Dong Thap Ltd.); Vinh Phuoc Food Company Limited (also known as Vinh Phuoc or VP Food)	
SPAIN: Methionine, A–469–822	9/1/25–8/31/26
Adisseo España S.A.	
TAIWAN: Forged Steel Fittings, A–583–863	9/1/25–8/31/26
Both-Well Steel Fittings Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Low Speed Personal Transportation Vehicles,[6] A–570–176	11/1/24–7/31/26
Global Cargo Panama	
Green Tech Viet Nam Investment Joint Stock Company	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Magnesia Carbon Bricks, A–570–954	9/1/25–8/31/26
Anyang Dongxing Metallurgical Refractories Co., Ltd.	
Autong Industry Co., Ltd.	
Beijing Holland Co., Ltd.	
Beijing Intercontinental Trading Co., Ltd.	
Dandong Xinxing Carbon Co., Ltd.	
Dashiqiao Sanqiang Refractory Co., Ltd.	
Fengchi Imp. and Exp. Co., Ltd.	
Fengchi Imp. and Exp. Co., Ltd. of Haicheng City	
Fengchi Mining Co., Ltd. of Haicheng City	
Fengchi Refractories Co., of Haicheng City	
Haicheng Donghe Taidi Refractory Co., Ltd.	
Henan Hongtai Kiln Refractory Co., Ltd.	
Henan Xintuo Refractory Co., Ltd.	
Kehantek, Ltd.	
Liaoning Fucheng Refractories	
Liaoning Zhongmei High Temperature Material Co., Ltd.	
Liaoning Zhongmei Holding Co., Ltd.	
Luoyang Dayang High-Performance Material Co., Ltd.	
Orind Special Refractories Pvt. Ltd.	
Puyang Refractories Co., Ltd.	
Puyang Refractories Group Co., Ltd.	
Qingdao Wonjin Special Refractory Material Co., Ltd.	
RHI Refractories Liaoning Co., Ltd.	
Seawon Trading Company Limited	
Shandong Minye Refractory Fibre Co., Ltd.	
Shandong Refractories Group Co., Ltd.	
Shanxi Xinrong International Trade Co., Ltd.	
Shenglong Refractories Co., Ltd.	
Sinosteel Luoyang Institute Of Refractories Research Co., Ltd.	
Tangshan Strong Refractories Co., Ltd.	
The Economic Trading Group Of Haicheng Houying Corp. Ltd.	
Thermstrong Corporation	
Tianjin New Century Refractories Co., Ltd.	
Wonjin Refractory Co., Ltd.	
Wugang Refractory Co., Ltd.	
Xinyi New Century Refractories Co., Ltd.	
Yingkou Baolong Industrial Co., Ltd.	
Yingkou Guangyang Refractories Co., Ltd.	
Yingkou Heping Samwha Minerals, Co., Ltd.	
Yingkou Heping Sanhua Materials Co., Ltd.	
Yingkou Hongyu Wonjin Refractory Material Co., Ltd.	
Yingkou Jiamei Refractories Co., Ltd.	
Yingkou Mei'ao Mining Product Co., Ltd.	
Yingkou Qinghua Group Import & Export Co., Ltd.	
Zhengzhou Rongsheng Import And Export Co., Ltd.	
Zhengzhou Rongsheng Refractory Co., Ltd.	
Zhongfu Metallurgical Materials Co., Ltd.	
Zibo Fubang Wonjin Refractory Technology Co., Ltd.	
Zibo Hengsen Refractory Co., Ltd.	
Zibo Hitech Material Co., Ltd.	
Zibo Jiuqiang Refractory Co., Ltd.	
Zibo Luzhong Refractory Co., Ltd.	
Zibo Soaring Refractory & Insulation Materials Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Racks and Parts Thereof, A–570–088	9/1/25–8/31/26
Anhui Nova Intelligent Logistics Equipment Co.	
Ateel Display Industries (Xiamen) Co., Ltd	
Changzhou Tianyue Storage Equipment Co., Ltd	
CTC Universal (Zhangzhou) Industrial Co., Ltd	
David Metal Craft Manufactory Ltd	
Fujian Ever Glory Fixtures Co., LTD	
Fujian First Industry and Trade Co., Ltd	

	Period to be reviewed
Gaoyou Kangsheng Machinery Co., Ltd.	
Guangdong Wireking Housewares and Hardware Co., Ltd	
Hebei Minmetals Co. Ltd.	
Hebei Wuxin Garden Products Co., Ltd	
Huanghua Hualing Hardware Products Co., Ltd	
Huanghua Xingyu Hardware Products Co., Ltd	
Huanghua Xinxing Furniture Co., Ltd	
Huangua Haixin Hardware Products Co., Ltd	
Huangua Qingxin Hardware Products Co., Ltd	
i-Lift Equipment Ltd	
Jiangsu Baigeng Logistics Equipments Co., Ltd	
Jiangsu JISE Intelligent Storage Equipment Co. Ltd.	
Jiangsu Kingmore Storage Equipment Manufacturing Co. Ltd.	
Jiangsu Nova Intelligent Logistics Equipment Co., Ltd, Nanjing Jinshidai Storage Equipment Co., Ltd., Hebei Nova Intelligent Logistics Equipment Co., Ltd	
Jiangsu Starshine Industry Equipment Co. Ltd.	
Johnson (Suzhou) Metal Products Co., Ltd	
Master Trust (Xiamen) Import and Export Co., Ltd	
Nanjing Better Metallic Products Co., Ltd.	
Nanjing Dongsheng Shelf Manufacturing Co., Ltd	
Nanjing Ironstone Storage Equipment Co. Ltd.	
Nanjing Kingmore Logistics Equipment Manufacturing Co. Ltd.	
Nanjing Miracle Equipment Trading Co. Ltd.	
Nanjing Peter Logistics Equipment Co. Ltd.	
Nanjing Urgo Logistics Equipment Co. Ltd.	
Ningbo Beilun Songyi Warehouse Equipment Manufacturing Co., Ltd.	
Ningbo Jiabo Rack Co., Ltd.	
Ningbo Lede Hardware Co., Ltd	
Ningbo Xinguang Rack Co., Ltd	
Qingdao Rockstone Logistics Appliance Co., Ltd	
Redman Corporation	
Redman Import & Export Limited	
Suzhou (China) Sunshine Hardware & Equipment Imp. & Exp. Co. Ltd.	
Tianjin Master Logistics Equipment Co., Ltd	
Waken Display System Co., Ltd	
Xiamen Baihuide Manufacturing Co., Ltd	
Xiamen Ever Glory Fixtures Co., Ltd	
Xiamen Golden Trust Industry & Trade Co., Ltd	
Xiamen Huiyi Beauty Furniture Co., Ltd	
Xiamen Kingfull Imp and Exp Co., Ltd. (d.b.a) Xiamen Kingfull Displays Co., Ltd	
Xiamen LianHong Industry and Trade Co., Ltd.	
Xiamen Luckyroc Industry Co., Ltd	
Xiamen Luckyroc Storage Equipment Manufacture Co., Ltd	
Xiamen Meitoushan Metal Product Co., Ltd	
Xiamen Power Metal Display Co., Ltd	
Xiamen XinHuiYuan Industrial & Trade Co., Ltd	
Xiamen Yiree Display Fixtures Co., Ltd	
Yuanda Storage Equipment Ltd	
Zhangjiagang Better Display Co., Ltd	
Zhangzhou Hongcheng Hardware & Plastic Industry Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Wheels,[7] A–570–082	5/1/25–4/30/26
Leading Wheel Company Limited	
UKRAINE: Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe,[8] A–823–819	8/1/25–7/31/26
JSC Interpipe Novomoskovsk Pipe Production Plant	
Countervailing Duty Proceedings	
INDIA: Common Alloy Aluminum Sheet,[9] C–533–896	1/1/25–12/31/25
Hindalco Industries Limited; Utkal Alumina International Limited; Minerals & Minerals Limited	
INDIA: Certain Lined Paper Products, C–533–844	1/1/25–12/31/25
ITC Limited	
P P Bafna Ventures Private Limited	
Super Impex	
ISRAEL: Brass Rod, C–508–815	1/1/25–12/31/25
Finkelstein Metals Ltd.	
REPUBLIC OF KOREA: Certain Cold-Rolled Steel Flat Products, C–580–882	1/1/25–12/31/25
AJU Steel Co., Ltd.	
Amerisource Korea	
BC Trade	
Busung Steel Co., Ltd.	
Cenit Co., Ltd.	
Daewoo Logistics Corp.	
Dai Yang Metal Co., Ltd.	
DCM Corporation	
DK GNS Co., Ltd.	

	Period to be reviewed
Dong Jin Machinery	
Dongbu Incheon Steel Co., Ltd.	
Dongbu Steel Co., Ltd.	
Dongkuk Coated Metal Co., Ltd.	
Dongkuk Industries Co., Ltd.	
Dongkuk Steel Mill Co., Ltd.	
Eunsan Shipping and Air Cargo Co., Ltd.	
Euro Line Global Co., Ltd.	
Golden State Corp.	
GS Global Corp.	
Hanawell Co., Ltd.	
Hankum Co., Ltd.	
Hwashin Co. Ltd.	
Hyosung TNC Corp.	
Hyuk San Profile Co., Ltd.	
Hyundai Group	
Hyundai Corporation	
Hyundai Steel Company (AKA Hyundai Steel Co., Ltd.)	
Iljin NTS Co., Ltd.	
Iljin Steel Corp.	
Jeen Pung Industrial Co., Ltd.	
JMP Co., Ltd.	
JS Steel Co., Ltd	
JT Solution	
KG Dongbu Steel Co., Ltd. (formerly Dongbu Steel Co., Ltd.)	
Kolon Global Corporation	
Korinox Co., Ltd.	
Mikwang Precision Manufacture Co., Ltd.	
Nauri Logistics Co., Ltd.	
Okaya (Korea) Co., Ltd.	
PL Special Steel Co., Ltd.	
POSCO	
POSCO C&C Co., Ltd.	
POSCO Daewoo Corp.	
Samhwan Steel Co., Ltd.	
Samsung C&T Corp.	
Samsung Electronics Co., Ltd.	
Samsung STS Co., Ltd.	
SeAH Steel Corp.	
Shin Steel Co., Ltd.	
Shin Young Co., Ltd.	
Signode Korea Inc.	
SK Networks Co., Ltd.	
SM Automotive Ltd.	
Soon Hong Trading Co., Ltd.	
Sungjin Co., Ltd.	
Taesan Corporation	
Taihan Electric Wire Co., Ltd.	
TGS Pipe Co., Ltd.	
TCC Steel Corporation	
TI Fluid Systems	
TI Automotive Ltd.	
Topco Global Co., Ltd.	
Union Steel Co., Ltd.	
Wolverine Korea Co., Ltd	
Xeno Energy	
Young Steel Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Low Speed Personal Transportation Vehicles,[10] C–570–177	9/7/24–12/31/25
Alwayz Electric Vehicle (Chuzhou) Co., Ltd.	
Anhui Forerunner Electronic Technology Co., Ltd.	
Anhui Hopper Industrial Vehicle Co., Ltd.	
Anhui Huaxin Electric Technology Co., Ltd.	
Anhui Shuncha Machinery Co., Ltd.	
Anhui Technology Imp. & Exp. Co., Ltd.	
Anhui Telee Vehicle Co., Ltd.	
Anyang Hongmeng Machinery Co., Ltd.	
Baike Vehicle Vietnam Co. Ltd.	
Binzhou Road Conqueror Power Co., Ltd.	
Changzhou Pengzhan Cross-Border E-Commerce Co., Ltd.	
Chengdu Rich Trading Imp. & Exp. Co., Ltd.	
Chongqing Bronico Electronic & Technology Co., Ltd.	
Chongqing Onetouch Business Service Co., Ltd.	
Chongqing Xuhu International Trade Co., Ltd.	
Dachi Intelligent Automobile (Rizhao) Co. Ltd.	

	Period to be reviewed
Delei Industrial Development Co., Ltd.	
Dezhou Dylante Vehicle Co., Ltd.	
Dezhou Lebin Automobile Co., Ltd.	
Dongguan ERS Machinery Co., Ltd.	
Dongguan Grand Dragon Sports Co., Ltd.	
Dongguan Jiemao E-Commerce Co., Ltd.	
Dongguan KWC Machinery Co., Ltd.	
Dongguan Machinery Imp. & Exp. Co., Ltd.	
Dongguan Maosheng New Energy Technology Co., Ltd.	
Dongguan Park Sports Goods Co., Ltd.	
Dongguan Royal Machinery Co., Ltd.	
Dongguan Ruida Machinery Co., Ltd.	
Dongguanshi Panghonghong Ke Ji You Xian Gong Si	
Eda Tech Co. Ltd.	
Edacar EV Co. Ltd.	
Feiteng Electric Vehicle Co. Ltd.	
Foshan Lisheng Electric Vehicle Co., Ltd.	
Foshan Shunde Green Motor Technology Co., Ltd.	
Global Cargo Panama	
Greenman Electric Vehicles Co., Ltd.	
Greenmotor Vehicle Co., Ltd.	
Guangdong Dongguan Oriental Machinery Imp. & Exp. Co., Ltd.	
Guangdong Liwang New Energy Co., Ltd.	
Guangdong Marshell Electric Vehicle Co., Ltd.	
Guangdong Yatian Industrial Co., Ltd.	
Guangdong Yitong New Energy Technology Co., Ltd.	
Guangzhou Borcart Electric Vehicle Co., Ltd.	
Guangzhou Camqi Electric Vehicle Co., Ltd.	
Guangzhou Fuyun Bags & Outdoors Co., Ltd.	
Guangzhou Huiye E-Commerce Co., Ltd.	
Guangzhou Oriental Founder Chemical Co., Ltd.	
Guangzhou Rariro Vehicle Co., Ltd.	
Guangzhou Sachs Bikes Technology Co., Ltd.	
Guangzhou You 2 Trading Co., Ltd.	
Guangzhou Zhanfeng Smart Card Co., Ltd.	
Haike EV Co., Ltd. (aka Haike EV., Co. Ltd.)	
Hainan Kandi Holding New Energy Technology Co., Ltd.	
Hainan Yuda Trading & Logistics Co., Ltd.	
Hebei Machinery Imp. & Exp. Co., Ltd.	
Hefei Huanxin Technology Development Co., Ltd.	
Henan Camp Industrial Co., Ltd.	
Henan Volga Energy Technology Co., Ltd.	
Henan Wealth Machinery Co., Ltd.	
Henan Zhongzhou Machinery Equipment Co., Ltd.	
Hengyu Electric Vehicle Viet Nam Co., Ltd.	
Holdhand Industrial Co., Ltd.	
Huzhou Meiwen Imp. & Exp. Co., Ltd.	
Jiangsu Baodiao Locomotive Co., Ltd.	
Jiangsu Elegance Vehicle Co., Ltd.	
Jiangsu Giant Electric Vehicle Co., Ltd.	
Jiangsu Imagine Electric Co., Ltd.	
Jiangsu Import Sports Medical Equipment Co., Ltd.	
Jiangsu Linhai Power Machinery Group Co., Ltd.	
Jiangsu Maple New Energy Electric Vehicle Co., Ltd.	
Jiangsu Ruipaiying Imp. & Exp. Co., Ltd.	
Jiangsu Trail-Blazer Manufacturing Co., Ltd.	
Jiaozuo Newest Machinery Co., Ltd.	
Jiaxing Learoad Special Vehicle Co., Ltd.	
Jilu Henghua Technology Co., Ltd.	
Jin Kung Industrial Shandong Corp.	
Jinan Gongming Machine Equipment Co., Ltd.	
Jinan Hongteng Machinery Equipment Co., Ltd.	
Jinhua Dailymoving Medical Technology Co., Ltd.	
Jinhua Fulong Vehicle Industry Co., Ltd.	
Jinhua Huagang Athletic Equipment Co., Ltd.	
Jinhua Jiaxin Automobile Co., Ltd.	
Jinhua Sigma Industrial & Trading Co., Ltd.	
Jinhua Suncart Vehicle Co., Ltd.	
Jinshun Imp. & Exp. (Xuzhou) Co., Ltd.	
JN EV Parts (Xiamen) Co., Ltd.	
Keyang Electric Machinery Co., Ltd.	
Kinghike Vehicle Co., Ltd.	
Leoch Battery PTE LTD	
Letex Ltd.	

	Period to be reviewed
Linhai International Co., Ltd. Liuzhou Wuling Automobile Industry Co., Ltd. Lomon Technology Ltd. Longxiang Trading Co. Ltd. Meiyuda International Trade (Ningbo) Co., Ltd. Minland Energy Technology (Vietnam) Co. Ltd. Nanjing Skywork Intelligent Technology Co., Ltd. Ningbo Joystar International Trade Co., Ltd. Ningbo Qianjie Enterprise Operation Management Co., Ltd. Ningbo Rebon E-Commerce Co., Ltd. Ningbo Renlong Imp. & Exp. Co., Ltd. Ningbo Wentai Sports Equipment Co., Ltd. Ningbo Wins Time Imp. & Exp. Ltd. Ningbo Yuhong Imp. & Exp. Co., Ltd. Ningbo Zeny Products E-Commerce Co., Ltd. North Machinery (Shandong) Co., Ltd. Polestar New Energy Vehicle Co., Ltd. Qingdao Flying Eagle Rubber & Plastic Co., Ltd. Qingdao Fullrun Tyre Co., Ltd. Qingdao Hotsale International Trade Co., Ltd. Qingdao Oriental Shimao Imp. & Exp. Co., Ltd. Qingdao Pop Gain International Trading Co., Ltd. Qingdao Raysince Industrial Co., Ltd. Qingdao Wetruth New Energy Vehicle Co., Ltd. Qingdao Xinjiang Vehicle Co., Ltd. Qingdao Xinyongan Industrial Co., Ltd. Rizhao Greaterman Fitness Inc. Rizhao Rainfield Electronic Commerce Co., Ltd. SAIC GM Dong Yue Motors Co., Ltd. Saintyol Sports Co., Ltd. Serfay International Co., Ltd. Shaan Xi Succeed Trading Co., Ltd. Shandong Beemotor New Energy Vehicle Co., Ltd. Shandong Golf Trading Co., Ltd. Shandong Gopo International Trading Co., Ltd. Shandong Haike Automobile Sales Co., Ltd. Shandong Hightop Group Shandong Hiseas International Trade Co., Ltd. Shandong Jinma Holding Co., Ltd. Shandong Kerong International Co., Ltd. Shandong Keyu Special Automobile Manufacturing Co., Ltd. Shandong Light Industrial Products Imp. & Exp. Co., Ltd. Shandong Machinery Imp. & Exp. Co., Ltd. Shandong Mico Carts Co., Ltd. Shandong Odes Imp. & Exp. Ltd. Shandong Odes Industry Co., Ltd. Shandong Qiaoke New Energy Auto Industry Co., Ltd. Shandong San Ding Machinery Co., Ltd. Shandong Senbo Machinery Co., Ltd. Shandong Shengwo New Energy Vehicle Co., Ltd. Shandong Shenzhou Machinery Co., Ltd. Shandong Tianzong Food Truck Co., Ltd. Shandong Yano Imp. & Exp. Co., Ltd. Shanghai Guanshang International Co., Ltd. Shanghai Helios New Energy Technology Co., Ltd. Shanghai Jianghuai Environmental Equipment Co., Ltd. Shanghai Suoto Pump International Co., Ltd. Shanghai Yixing Power Technology Co., Ltd. Shangrao City Zihe Trade Co., Ltd. Shanxi Century Metal Industries Inc. Shanxi Industry Technology Trading Co., Ltd. Shanxi Weiyida Electric Technology Co., Ltd. Sharefer Smart Technology (Changzhou) Co., Ltd. Shenzhen Chuangyin Co., Ltd. Shenzhen Fudakin Technology Co., Ltd. Shenzhen Fulin International Logistics Co., Ltd. Shenzhen Guoshitie Trade Co., Ltd. Shenzhen Topbeauty Technology Co., Ltd. Shenzhen Xinzeyou Trade Co., Ltd. Shenzhen Zehui Technology Co., Ltd. Sichuan Nuole Electric Technology Co., Ltd. Smart Navigation Business Co., Ltd. Suntop Tire (Wuxi) Co., Ltd. Suzhou Alwayz Electric Vehicle Co., Ltd.	

	Period to be reviewed
Suzhou Eagle Electric Vehicle Manufacturing Co., Ltd.	
Suzhou Jinpeng Electromechanical Equipment Co., Ltd.	
Suzhou Lexsong Electromechanical Equipment Co., Ltd.	
Suzhou Ouloda Intelligent Technology Co., Ltd.	
Suzhou Rainbow Intelligent Technology Co., Ltd.	
Suzhou Sanyo Electro-Mechanical Co., Ltd.	
Suzhou Waltz Intelligent Technology Co., Ltd.	
Suzhou Wintao Intelligent Technology Co., Ltd.	
T & D Industrial Co., Ltd.	
Taian Xingchuang Trading Co., Ltd.	
Taishan City Anyi Technology Co., Ltd.	
Taiwan Golden Bee Co., Ltd.	
Taiwan Max E-Bike Co. Ltd.	
Taizhou Nebula Power Co., Ltd.	
Taizhou Qianxin Vehicle Co., Ltd.	
Taizhou Yoki Carts Co., Ltd.	
Tianjin Bedier Imp. & Exp. Co., Ltd.	
Tianjin Zhongyi Electric Vehicle Co., Ltd.	
Timeco (Shanghai) Industrial Co., Ltd.	
Top Goal Enterprise Ltd.	
Top Goal International Group Ltd.	
Top Golf Co., Ltd.	
Toptom International Co., Ltd.	
Weihai Baixian Trading Co., Ltd.	
Welift Machinery (Changzhou) Co., Ltd.	
Winbo Dongjian Automotive Technology Co., Ltd.	
Windus International Inc.	
Wuhan Winway Enterprise Co., Ltd.	
Wuhu Volibear New Energy Co., Ltd.	
Wuxi Fine Century Trading Co., Ltd.	
Wuxi Pegasus Technology Co., Ltd.	
Wuxi Yaxi Electric Vehicle Sales Co., Ltd.	
Xiamen Dalle New Energy Automobile Co., Ltd.	
Xiamen Delle Technology Co. Ltd.	
Xiamen Sunshine Marine Co., Ltd.	
Xingtel Xiamen Electronics Co., Ltd.	
Xuchang Fengyida Machinery Co., Ltd.	
Xuzhou Feito Imp. & Exp. Co., Ltd.	
Xuzhou Thunder EV Smart Technology Co., Ltd.	
Yiwu Maideng Outdoor Products Co., Ltd.	
Yongkang Beiqin Industry and Trade Co., Ltd.	
Yongkang Hangyu Vehicle Co., Ltd.	
Yongkang Huitian Industrial and Trading Co., Ltd.	
Yongkang Jinghang Sightseeing Vehicle Co., Ltd.	
Yunsum Industry Inc.	
Zhejiang Aoli Motor Co., Ltd.	
Zhejiang Applestone Vehicle Co., Ltd.	
Zhejiang CFMOTO Power Co., Ltd.	
Zhejiang Greenpee Imp. & Exp. Co., Ltd.	
Zhejiang Kandi Smart Battery Swap Technology Co. Ltd.	
Zhejiang Kandi Technologies Group Co. Ltd.	
Zhejiang Kuangdi Industry & Trade Co., Ltd.	
Zhejiang TaoTao Vehicles Co., Ltd.	
Zhengzhou Well-Known Instrument Equipment Co., Ltd.	
Zhian Supply Chain Co., Ltd.	
Zhibang International Freight Forwarding Co., Ltd.	
Zhongshan Etech Electric Vehicle Co., Ltd.	
Zhuhai ZKHY New Energy Electric Vehicle Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Racks and Parts Thereof, C–570–089	1/1/25–12/31/25
Ateel Display Industries (Xiamen) Co., Ltd.	
CTC Universal (Zhangzhou) Industrial Co., Ltd.	
David Metal Craft Manufactory Ltd.	
Fujian Ever Glory Fixtures Co., Ltd.	
Guangdong Wireking Housewares and Hardware Co., Ltd.	
Hebei Wuxin Garden Products Co., Ltd.	
Huanghua Xinxing Furniture Co., Ltd.	
i-Lift Equipment Ltd.	
Johnson (Suzhou) Metal Products Co., Ltd.	
Master Trust (Xiamen) Import and Export Co., Ltd.	
Nanjing Dongsheng Shelf Manufacturing Co., Ltd	
Nanjing Ironstone Storage Equipment Co., Ltd.	
Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd.	
Ningbo Xinguang Rack Co., Ltd.	
Redman Corporation	

	Period to be reviewed
Redman Import & Export Limited Suzhou (China) Sunshine Hardware & Equipment Imp. & Exp. Co. Ltd. Tianjin Master Logistics Equipment Co., Ltd. Xiamen Baihuide Manufacturing Co., Ltd. Xiamen Ever Glory Fixtures Co., Ltd. Xiamen Golden Trust Industry & Trade Co., Ltd. Xiamen Kingfull Imp and Exp Co., Ltd. (d.b.a) Xiamen Kingfull Displays Co., Ltd. Xiamen LianHong Industry and Trade Co., Ltd. Xiamen Luckyroc Industry Co., Ltd. Xiamen Luckyroc Storage Equipment Manufacture Co., Ltd. Xiamen Meitoushan Metal Products Co., Ltd. Xiamen Power Metal Display Co., Ltd. Xiamen XinHuiYuan Industrial & Trade Co., Ltd. Xiamen Yiree Display Fixtures Co., Ltd. Zhangjiagang Better Display Co., Ltd Jiangsu Starshine Industry Equipment Co., Ltd. Nanjing Urgo Logistics Equipment Co., Ltd. Changzhou Olive Textiles Co. Ltd. Shenzhen Top China Imp. & Exp. Co., Ltd. Jiangsu Stars International Group Jishui Fengyi Supply Chain Management Co., Ltd. Zhuxi County Xinyu Trading Co. Ltd. Associated Merchandise Co., Ltd. Bai Dafi International Trade Co., Ltd. Changshu Jiamei Metal Products Co., Ltd. Changzhou Taurus New Materials Co., Ltd. Cincowel, Inc. Foshan Meilan Meiju Trading Co., Ltd. Fujian Meitailong Intelligent Technology Co., Ltd. Fuzhou Dipoo Trading Co., Ltd. Global Storage Equipment Manufacturer Limited Guangzhou First Yan Trading Co., Ltd. Guangzhou Fuyou Import and Export Guangzhou Guanghong Shelf Products Guangzhou Heda Shelves Co., Ltd. Hebei Shenglong Cabinet Industry Co. Humka (Xiamen) Trading Co., Ltd. Hunan Kangchunan Trade Co., Ltd. Jiangsu Baisheng Machinery Ltd. Jiaxing Haihong Mechanical and Electrical Technology Co., Ltd. Kangshuang Commodities Ltd. Nanjing Ironstone-Meca Industry Equipment Co., Ltd. Nanjing Jinhui Storage Equipment Co., Ltd. Nanjing Shengke Intelligent Manufacturing Ningbo Home-Arts Industries Co., Ltd. Ningbo Yinzhou Jin Ming Imp and Exp Ningxia Yinfang Intelligent Technology OOCL Logistics (China) Company Ltd. Qingdao Shifeng Metal Products Co., Ltd. Quanzhou Wenying Trading Co., Ltd. Shanghai Aote E-Commerce Co., Ltd. Shanghai Shinshop Arts & Crafts Co., Ltd. Shanghai Yanxi Industrial Co., Ltd. Shenzhen Huazebai Trading Co., Ltd. Shenzhen Suncent Auto Parts Technology Shenzhen Wohua Global Co., Ltd. Suzhou Jimei Electronics Co., Ltd. Suzhou Ownace Commercial Equipment Co., Ltd. Taian Xingchuang Trading Co., Ltd. Taixing Jiehong Metal Technology Co., Ltd. Xiamen Cachito International Trading Co., Ltd. Xiamen Constant Import & Export Trade Co., Ltd. Xiamen Kainan Exhibition Products Co., Ltd. Xiamen Kingswin International Trading Co., Ltd. Xiamen Tsingshan Jiyuan Display Co., Ltd. Xiamen Xiesheng Import & Export Co., Ltd. Yangjiang Jinheng Industries Limited Yichun Lugao Trading Co., Ltd. Yongkang Iron Leopard Import & Export Co., Ltd. Zhangzhou URB Fabricating Co., Ltd. Zhejiang Guangfeng Power Equipment Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Steel Wheels,[11] C–570–083 Leading Wheel Company Limited	1/1/25–12/31/25
THE PEOPLE'S REPUBLIC OF CHINA: Narrow Woven Ribbons with Woven Selvedge, C–570–953	1/1/25–12/31/25

	Period to be reviewed
Yama Ribbons & Bows Co., Ltd.	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[12] available at *https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf,* prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[14] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[15] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by

[4] Commerce inadvertently omitted this company from the list of companies subject to the review of this order in the initiation notice for the April anniversary month. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 91 FR 32931 (June 2, 2026).

[5] This initiation excludes certain fish fillets from the Socialist Republic of Vietnam produced and exported to the United States by these producers and exporters. Specifically, both the producer and exporter must be a company identified here for the exclusion to apply. The exclusion does not apply to subject merchandise produced by one of these companies but exported by a company not identified here. Similarly, the exclusion does not apply to subject merchandise exported by one of the companies identified here but produced by a company not identified.

[6] In the initiation notice published on October 1, 2026 (91 FR 62477), we inadvertently omitted two companies on which we intended to initiate the administrative review. We are correcting that error in this notice.

[7] In the initiation notice that was published on July 9, 2026 (91 FR 42410), this case and company should have been included. This serves as a correction notice.

[8] In the initiation notice that was published on October 1, 2026 (91 FR 62477), Commerce inadvertently omitted the companies listed above. This serves as a correction notice.

[9] In the initiation notice that was published on June 2, 2026 (91 FR 32928), we did not include Hindalco Industries Limited's cross-owned affiliates, which are now listed above.

[10] In the initiation notice that was published on October 1, 2026 (91 FR 62477), Commerce inadvertently omitted the companies listed above. Additionally, Commerce inadvertently listed Dongguan Excar Electric Vehicle Co., Ltd. twice. This serves as a correction notice.

[11] In the initiation notice that was published on July 9, 2026 (91 FR 42410), this case and company should have been included. This serves as a correction notice.

[12] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1788270933909.*

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

[14] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://www.trade.gov/sites/default/files/2026-08/FAQ%20for%20Certifications.pdf?v=1788270933909.*

[15] *See* 19 CFR 351.302.

which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

Notification to Interested Parties

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–22629 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–856]

Certain Oil Country Tubular Goods From Mexico: Final Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain oil country tubular goods (OCTG) from Mexico were sold in the United States at prices below normal value during the period of review (POR) November 1, 2023, through October 31, 2024.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Linsi Goodin, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121 or (202) 482–6532, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 2026, Commerce published the *Preliminary Results* and invited comments from interested parties.[1] On August 25, 2026, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the final results of this review to November 2, 2026.[2] Commerce conducted this administrative review in accordance with section 751 of the Act.

A summary of the events that occurred since Commerce published these *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order[4]

The merchandise covered by the *Order* is OCTG from Mexico. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[5]

Analysis of Comments Received

All issues raised by parties in their case briefs are addressed in the Issues and Decision Memorandum.[6] For a list of the issues raised by parties, *see* the appendix to this notice.

Changes Since the Preliminary Results

Based on our review of the record and our analysis of the comments received, Commerce made certain changes to the preliminary margin calculations for Tubos de Acero de Mexico, S.A. (TAMSA) for these final results of review. For a discussion of the issues, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

Commerce determines that the following estimated weighted-average dumping margin exists for the period November 1, 2023, through October 31, 2024:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Tubos de Acero de Mexico, S.A.	1.87

Disclosure

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

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[7]

Because the mandatory respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce calculated importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we calculated an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also calculated an importer-specific *ad valorem* ratio based on estimated entered values. Where a mandatory respondent's weighted-average dumping margin is

[1] *See Certain Oil Country Tubular Goods From Mexico: Preliminary Results and Recission, in Part, of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 27014 (May 13, 2026).

[2] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated August 25, 2026.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from Mexico; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Oil Country Tubular Goods from Argentina, Mexico, and the Russian Federation: Antidumping Duty Orders and Amended Final Affirmative Determination for the Russian Federation,* 87 FR 70785 (November 21, 2022) (*Order*).

[5] *See* Issues and Decision Memorandum at 2–3.

[6] *Id.*

[7] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[8]

These final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[9]

Commerce intends to issue assessment instructions to CBP no earlier than 41 days [10] after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for company subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 44.93 percent, the all-others rate established in the less-than-fair-value investigation.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

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

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 19 CFR 351.221(b)(5).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Reporting of In-Scope Products
Comment 2: Reporting of TYPE Product Characteristic
Comment 3: Reporting of THREAD Product Characteristic
Comment 4: U.S. Brokerage and Handling Expenses
Comment 5: Further Manufacturing—Yield Loss
Comment 6: Constructed Export Price (CEP) Offset
Comment 7: Clerical Errors
Comment 8: Differential Pricing Methodology
VI. Recommendation

[FR Doc. 2026–22628 Filed 11–4–26; 8:45 am]

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[8] *See* 19 CFR 352.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[9] *See* section 751(a)(2)(C) of the Act.

[10] *See Notice of Discontinuation Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

[11] *See Order* at 70786.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Hyundai Steel Company (Hyundai Steel) and Hyundai Steel Pipe Co., Ltd. (HSP) made sales of subject merchandise at less than normal value (NV) during the period of review (POR), November 1, 2023, through October 31, 2024. Commerce determines that Husteel Co., Ltd. (Husteel) did not make sales of subject merchandise at less than NV during the POR.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Mira Warrier, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8031.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 2026, Commerce published the *Preliminary Results* in the **Federal Register** and invited interested parties to comment.[1] On August 25, 2026, Commerce extended the deadline for the final results of this review by 53 days.[2] The deadline for these final results is November 2, 2026. On August 26, 2026, we received timely-filed case briefs from Hyundai Steel/HSP.[3] On September 1, 2026, Wheatland Tube, a domestic interested party, and SeAH

[1] *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 27029 (May 13, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea,'' dated August 25, 2026.

[3] *See* Hyundai Steel/HSP's Letter, ''HSP/Hyundai Steel's Case Brief,'' dated August 26, 2026.

Steel Corporation (SeAH) submitted timely-filed rebuttal briefs.[4] On October 15, 2026, Commerce held a public hearing limited to issues raised in the case and rebuttal briefs.[5]

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[6] A list of the topics discussed in the Issues and Decision Memorandum is attached as Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[7]

The merchandise subject to the *Order* is circular welded non-alloy steel pipe from the Republic of Korea. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in May, June, and August 2026, Commerce conducted on-site verifications of the sales and cost data reported by Husteel and Hyundai Steel/HSP. We used standard verification procedures, including an examination of relevant accounting and sales records, and original source documentation provided by Husteel[8] and Hyundai Steel/HSP.[9]

Analysis of Comments Received

All issues raised in case and rebuttal briefs filed by interested parties in this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in Appendix I to this notice.

Changes Since the Preliminary Results

Based on our review of the record and our analysis of the comments received, Commerce made certain changes to the weighted-average dumping margin calculations for Husteel and Hyundai Steel/HSP. For further discussion of these changes, *see* the Issues and Decision Memorandum.

Rate for Non-Individually Examined Companies

Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the weighted average dumping margin for respondents that were not individually examined in an administrative review. Section 735(c)(5)(A) of the Act provides that the all-others rate should be calculated by weight averaging the weighted-average dumping margins determined for individually examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. We calculated a weighted-average dumping margin of zero for Husteel. Therefore, we have assigned the dumping rate calculated for Hyundai Steel/HSP to the companies not selected for individual examination in this review. *See* Appendix II.

Final Results of Review

As a result of this review, we determine the following estimated weighted-average dumping margins exist for the period November 1, 2023, through October 31, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Husteel Co., Ltd.	0.00
Hyundai Steel Company; Hyundai Steel Pipe Co., Ltd.[10]	4.20
Review-Specific Rate for Non-Examined Companies[11]	4.20

Disclosure

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

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all

[4] *See* Wheatland Tube's Letter, ''Petitioner's Rebuttal Brief,'' dated September 1, 2026; *see also* SeAH's Letter, ''Letter in Lieu of Rebuttal Brief,'' dated September 1, 2026.

[5] *See* Hearing Transcript, ''Public Hearing in the matter of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea,'' dated October 15, 2026.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 102860 (December 18, 2024); *see also Notice of Antidumping Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea,* 57 FR 49453 (November 2, 1992). *(Order).*

[8] *See* Memoranda, ''Verification of the Questionnaire Responses of Husteel Co. Ltd. in the 2023–2024 antidumping duty (AD) administrative review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea,'' dated July 31, 2026; and ''Verification of the Constructed Export Price Questionnaire Responses of Husteel Co. Ltd. in the 2023–2024 antidumping duty (AD) administrative review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea,'' dated July 31, 2026.

[9] *See* Memoranda, ''Verification of the Responses of Hyundai Steel Company and Hyundai Steel Pipe Co., Ltd. in the 2023–2024 Antidumping Administrative Review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea,'' dated August 18, 2026; and ''Verification of the Constructed Export Price Questionnaire Responses of Hyundai Steel USA, Inc. and Hyundai Corporation USA in the 2023–2024 antidumping duty (AD) administrative review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea,'' dated August 17, 2026.

[10] Commerce determined in a prior segment that HSP was the successor-in-interest to Hyundai Steel. Therefore, following the completion of these final results of review, the cash deposit rate applicable to Hyundai Steel will also be applicable to Hyundai Steel's successor-in-interest, HSP. For more information pertaining to the status of Hyundai Steel's/HSP's successor-in-interest findings, *see also See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Certain Oil Country Tubular Goods from the Republic of Korea; Welded Line Pipe from the Republic of Korea; and Large Diameter Welded Pipe from the Republic of Korea: Notice of Final Results of Antidumping Duty Changed Circumstances Reviews,* 89 FR 89962 (November 14, 2024) (*Hyundai Steel CCR*), determining that Hyundai Steel Pipe Co., Ltd. is the successor-in-interest to Hyundai Steel Company.

[11] *See* Appendix II.

appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is *de minimis* (*i.e.,* less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[12]

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced or exported by Husteel and Hyundai Steel/HSP for which it did not know that its merchandise they sold to the intermediary (*e.g.,* a reseller, trading company or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate the unreviewed entries at the all-others rate of 4.80 percent,[13] if there is no rate for the intermediate company(ies) involved in the transaction.[14]

For the companies listed in Appendix II which were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the ''Rate for Non-Individually Examined Non-Selected Companies'' section above.

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

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2) of the Act: (1) the cash deposit rate for companies subject to this review will be the rates established in these final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or a completed prior segment of this proceeding but the producer is, the cash deposit rate will be the company-specific rate established for the most recently-completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.80 percent, the all-others rate established in the investigation of this proceeding.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether Commerce Inadvertently Excluded U.S. Sales from Hyundai Steel/HSP's Margin Calculation
Comment 2: Whether Commerce Inadvertently Double-Counted U.S. Credit Expenses
Comment 3: Whether Commerce Used the Incorrect U.S. and Production Quantity Variables
Comment 4: Whether Commerce Incorrectly Classified Certain U.S. Movement and Selling Expenses
Comment 5: Whether Commerce Incorrectly Calculated Customer-Specific Assessment Rates for Hyundai Steel/HSP
Comment 6: Whether to Grant Hyundai Steel/HSP a Constructed Export Price (CEP) Offset
Comment 7: Whether to Revise Hyundai Steel USA, Inc.'s (HSU) Name Change in the Liquidation Instructions
VI. Recommendation

Appendix II

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

1. Aju Besteel
2. Kumkang Kind Co., Ltd.
3. Miju Steel Manufacturing
4. NEXTEEL Co., Ltd.
5. SeAH FS
6. SeAH Steel Corporation

[FR Doc. 2026–22630 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Certain Cut-To-Length Carbon-Quality Steel Plate From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that

[12] *See* section 751(a)(2)(C) of the Act.

[13] *See Order.*

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

[15] *See Order.*

certain producers and exporters of certain cut-to-length carbon-quality steel plate (CTL plate) from the Republic of Korea (Korea) received countervailable subsidies during the period of review (POR) January 1, 2024, through December 31, 2024.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson or Elizabeth Talbot Russ, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793 or (202) 482–5516, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 2026, Commerce published the *Preliminary Results* of this administrative review and invited interested parties to comment.[1] On August 5, 2026, Commerce extended the deadline for issuing the final results by 53 days, until November 2, 2026.[2] For a detailed description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[3]

A list of topics discussed in the Issues and Decision Memorandum is provided as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The product covered by this *Order* is CTL plate from Korea.[4] For a complete description of the scope of this *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

Commerce addressed all issues raised in interested parties' case and rebuttal briefs in the Issues and Decision Memorandum. A list of issues raised by parties, to which Commerce responded in the Issues and Decision Memorandum, is provided in the appendix to this notice.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] For a complete description of the methodology underlying all of Commerce's conclusions, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that the following total net countervailable subsidy rates exist for the period January 1, 2024, through December 31, 2024:

Producer/exporter	Subsidy rate (percent *ad valorem*)
Dongkuk Steel Mill Co., Ltd.[6]	1.89
Hyundai Steel Company[7]	1.39

Disclosure

Commerce has not made any changes to the calculations or analysis performed for Dongkuk Steel Mill Co., Ltd. or Hyundai Steel Company in these final results. Therefore, we will not be disclosing final results calculations to interested parties under 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise covered by this review for the above-listed companies at the applicable *ad valorem* assessment rates listed. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.107(e), Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, as follows: (1) the cash deposit rate for the companies listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates assigned, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise has a company-specific estimated subsidy rate assigned, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be continue to be 3.26 percent, the all-others subsidy rate established in the investigation.[8] These cash deposit instructions, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

[1] *See Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2024,* 91 FR 27012 (May 13, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 2024,'' dated August 5, 2026.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Countervailing Duty Order on Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea; 2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Notice of Amended Final Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000) (*Order*).

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[6] Commerce finds the following company to be cross-owned with DSM: Dongkuk Holdings Co., Ltd.

[7] Commerce finds the following companies to be cross-owned with Hyundai Steel: Hyundai Green Power Co., Ltd. and Hyundai ITC Co., Ltd.

[8] *See Order,* 65 FR at 6589.

with the regulations and terms of an APO is a violation subject to sanction.

Notice to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Use of Facts Otherwise Available and Adverse Inferences
V. Subsidies Valuation Information
VI. Analysis of Programs
VII. Discussion of the Issues
Comment 1: Whether the Provision of Electricity Was Consistent With Market Principles During the POR
Comment 2: Whether To Modify the Benefit Calculation for the Provision of Electricity for Less Than Adequate Renumeration (LTAR) Program
Comment 3: Whether the Provision of Electricity for LTAR Program Is Specific
Comment 4: Whether the Provision of Korean Allocation Units (KAUs) Constitutes a Financial Contribution
Comment 5: Whether the Provision of KAUs Confers a Countervailable Benefit
Comment 6: Whether the Korea Emissions Trading System (K–ETS) Program Is Specific
Comment 7: Whether Commerce Should Apply Adverse Facts Available (AFA) to Restriction of Special Taxation Act (RSTA) Article 28–3
Comment 8: Whether the Carbon-Neutral Facilities Grant Program Is a Countervailable Subsidy
Comment 9: Whether the Research and Development (R&D) Grants Received Under the Industrial Technology and Innovation Promotion Act (ITIPA) Are Countervailable
VIII. Recommendation

[FR Doc. 2026–22626 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–238]

Certain Choline Salts From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Braeden Lowe, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9124.

SUPPLEMENTARY INFORMATION:

Background

On July 14, 2026, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of certain choline salts (choline salts) from the People's Republic of China.[1] Currently, the preliminary determination is due no later than December 1, 2026.

Postponement of Preliminary Determination

Section 733(b)(l)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, if Commerce concludes that the parties concerned in the investigation are cooperating and determines that the investigation is extraordinarily complicated, sections 733(c)(1)(B)(i) and (ii) of the Act allows Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation.

Commerce has determined that the parties involved in the proceeding are cooperating and that the investigation is extraordinarily complicated.[2] Of particular note, Commerce selected a replacement mandatory respondent on October 2, 2026, or 60 days before the current deadline to issue this preliminary determination.[3] Subsequently, Commerce has received questionnaire responses from Shandong FY Feed Technology Co., Ltd. (Shandong FY Feed) [4] and extension requests for the submission of an initial questionnaire response from the replacement respondent Zhengzhou Longgu Trading Co., Ltd. (Zhengzhou Longgu),[5] indicating that both parties intend to continue participating in this investigation. Further, Commerce requires additional time to solicit and analyze comments regarding surrogate countries and surrogate values, as well as to analyze the questionnaire responses and issue appropriate requests for clarification and additional information.

Therefore, in accordance with section 733(c)(1)(B) of the Act, Commerce is postponing the due date for the preliminary determination of this investigation by 50 days. As a result, Commerce will issue its preliminary determination no later than January 20, 2027. Pursuant to section 735(a)(l) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–22625 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–073]

Common Alloy Aluminum Sheet From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2025–2026

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on common alloy aluminum sheet (aluminum sheet) from the People's Republic of China (China). The period of review (POR) is February 1, 2025, through January 31, 2026. Commerce preliminarily determines that the exporter subject to this review is part of the China-wide entity because it did not establish eligibility for a separate rate. Interested parties are invited to

[1] *See Certain Choline Salts from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 91 FR 45241 (July 20, 2026).

[2] *See* section 733(c)(1)(B) of the Act.

[3] *See* Memorandum, ''Golden Highway's Separate Rate Eligibility and Identification of Additional Respondent,'' dated October 2, 2026.

[4] *See* Shandong FY Feed's Letters, ''Shandong FY's Response to Section A of the Initial Questionnaire,'' dated October 9, 2026, and ''Shandong FY's Response to Sections C and D of the Initial Questionnaire,'' dated October 26, 2026.

[5] *See* Zhengzhou Longgu's Letters, ''Request for Extension of Time to Submit Section A, C, D and Data and Double Remedies,'' dated October 15, 2026, and ''Further Request for Extension of Time to Submit Section A,'' dated October 28, 2026.

comment on these preliminary results of review.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Mason Harkleroad, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0905.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2019, Commerce published the AD order on CAAS from China in the **Federal Register**.[1] On February 2, 2026, Commerce published a notice of opportunity to request an administrative review of the order pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act).[2] On March 31, 2026, based on a timely request for review, we initiated an administrative review of the AD order on aluminum sheet from China for Yantai Jintai International Trade Co., Ltd. (Yantai Jintai) in accordance with 19 CFR 351.221(c)(1)(i).[3]

Scope of the Order

The product covered by the scope of this *Order* is aluminum sheet from China. For a complete description of the scope of the *Order, see* the appendix to this notice.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213.

Separate Rates

Yantai Jintai did not submit evidence of its eligibility for separate rate status. Therefore, we preliminarily determine that Yantai Jintai is not eligible for a separate rate in this administrative review and is part of the China-wide entity.

The China-Wide Entity

Under Commerce's policy regarding conditional review of the China-wide entity, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity.[4] Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate (*i.e.,* 59.72 percent) [5] is not subject to change. Because Yantai Jintai did not demonstrate its eligibility for a separate rate, we preliminarily consider Yantai Jintai to be part of the China-wide entity.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce has preliminary determined Yantai Jintai to be part of the China-wide entity, there are no calculations to disclose.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[6] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[7] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[8]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[9] Further, we request that interested parties limit their public, executive summary of each issue to no more than 450 words, not including citations. We intend to use the public, executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public, executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[11] Parties should confirm the date, time, and location of the hearing two days before the scheduled hearing date.

Assessment Rates

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

If the preliminary results are unchanged for the final results, we will continue to treat Yantai Jintai as part of the China-wide entity, and instruct CBP to apply an *ad valorem* assessment rate of 59.72 percent to all entries of subject merchandise during the POR which were exported by this company.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP

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[1] *See Common Alloy Aluminum Sheet from the People's Republic of China: Antidumping Duty Order,* 84 FR 2813 (February 8, 2019) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 91 FR 4500 (February 2, 2026).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 91 FR 15951 (March 31, 2026) (*Initiation Notice*).

[4] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[5] *See Order,* 84 FR at 2814.

[6] *See* 19 CFR 351.309.

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

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[10] *See APO and Service Final Rule.*

[11] *See* 19 CFR 351.310(d).

not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) for previously investigated or reviewed China and non-China exporters not covered by this review that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, including Yantai Jintai, the cash deposit rate will be the existing rate for the China-wide entity of 59.72 percent; and (3) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

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

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Scope of the Order

The merchandise covered by the *Order* is aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of the *Order* includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

Common alloy sheet may be made to ASTM specification B209–14, but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the *Order* if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these *Order* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is generally classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055; however, the written description of aluminum can stock covered by the scope exclusion set forth above is dispositive, regardless of HTSUS classification.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Further, merchandise that falls within the scope of the *Order* may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3030, 7606.91.3060, 7606.91.6040, 7606.92.3060, 7606.92.6040, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

[FR Doc. 2026–22624 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–118]

Wood Mouldings and Millwork Products From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty order on wood mouldings and millwork products (millwork products) from the People's Republic of China (China) for the period of review January 1, 2025, through December 31, 2025.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Brandon James or Joshua Nixon, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7472 or (202) 482–8361, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 16, 2021, Commerce published in the **Federal Register** the countervailing duty order on millwork products from China.[1] On February 2, 2026, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the period of review January 1, 2025, through December 31, 2025.[2] We received timely requests for an administrative review from the Coalition of American Millwork Producers (CAMP or petitioner),[3] and five Chinese producers of subject merchandise: Bel Trade Wood Industrial

[1] *See Wood Mouldings and Millwork Products from the People's Republic of China: Countervailing Duty Order,* 86 FR 9484 (February 16, 2021) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 91 FR 4500 (February 2, 2026).

[3] *See* CAMP's Letter, ''Request for Administrative Review,'' dated March 2, 2026.

Co., Ltd Youxi Fujian (Bel Trade), Baixing Import and Export Trading Co., Ltd Youxi Fujian, Fujian Hongjia Craft Products, Co., Ltd., Huaan Longda Wood Industry Co., Ltd, and Longquan Jiefeng Trade Co., Ltd. (Jiefeng) (collectively, Bel Trade *et al.*).[4] We initiated an administrative review with respect to 34 companies on March 31, 2026, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i).[5] On April 14, 2026, we placed on the record U.S. Customs and Border Protection (CBP) data for the entries of millwork products from China during the POR and invited interested parties to comment.[6] No interested party submitted comments regarding the CBP data. On May 14, 2026, we selected Bel Trade Wood Industrial Co., and Zhangzhou Wangjiamei Industry and Trade Co., Ltd., as mandatory respondents in the administrative review.[7]

On June 29, 2026, the petitioner timely filed a withdrawal request with respect to 14 companies for which it requested an administrative review, and Bel Trade withdrew its request for an administrative review of itself.[8] On July 30, 2026, Commerce issued a memorandum of intent to rescind the administrative review with respect to 21 companies that had no suspended entries of subject merchandise in the CBP data during the POR and inviting interested parties to comment.[9] Commerce received no comments on the intent to rescind memorandum. On August 3, 2026, Bel Trade *et al.* submitted a letter notifying Commerce of an errata in its withdrawal of administrative review, stating that its rescission letter was intended to withdraw the review for all companies in its review request.[10]

On August 25, 2026, Commerce issued a memorandum noting that all companies requested for administrative review for the POR had either been withdrawn in entirety by requesting parties or did not have a suspended entry of subject merchandise during the POR. Commerce stated that we intended to rescind the administrative review in absence of any suspended entries during the POR from companies subject to the review for which all review requests were not withdrawn and invited interested parties to comment.[11] We received no comments from interested parties.

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. On June 29, 2026, CAMP and Bel Trade *et al.* both submitted partial withdrawals of their respective review requests,[12] and Bel Trade *et al.* filed an errata to their review request to clarify a full withdrawal.[13] Accordingly, we are rescinding the review for the 14 companies for which all requests for review were withdrawn.[14]

Additionally, Commerce notified interested parties that, in the absence of suspended entries during the POR, we intended to rescind this administrative review with respect to the producers and/or exporters listed in Attachment II of this notice, pursuant to 19 CFR 351.213(d)(3).[15] We received no comments from interested parties on this memorandum. Therefore, we find that there are no reviewable entries of subject merchandise for these 20 companies based on our review of the U.S. Customs and Border Protection (CBP) data on the record.

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of a countervailing duty order when Commerce concludes that there were no reviewable entries of subject merchandise during the POR for an exporter or producer.[16] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate for the review period.[17] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated countervailing duty assessment rate for the review period.[18] As noted above, there were no entries of subject merchandise during the POR from any of the companies remaining under review. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are rescinding this administrative review, in its entirety, in accordance with 19 CFR 351.213(d)(1) and (3).

Cash Deposit Requirements

As Commerce has proceeded to a final rescission of this administrative review, no cash deposit rates will change. Accordingly, the current cash deposit requirements shall remain in effect until further notice.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2025, through December 31, 2025, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

[4] *See* Bel Trade *et al.'s* Letter, ''Request for Administrative Review,'' dated March 2, 2026.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 91 FR 15951 (March 31, 2026) (*Initiation Notice*).

[6] *See* Memorandum, ''Release of Customs Data from U.S. Customs and Border Protection,'' dated April 14, 2026.

[7] *See* Memorandum, ''Respondent Selection,'' dated May 14, 2026.

[8] *See* CAMP's Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated June 29, 2026 (*CAMP's Withdrawal of Request*); *see also* Bel Trade *et al.'s* Letter, ''Withdrawal of Request for Administrative Review,'' dated June 29, 2026 (*Bel Trade et al.'s Withdrawal of Request*).

[9] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated July 30, 2026 (*First Notice of Intent to Rescind*).

[10] *See* Bel Trade *et al.'s* Letter, ''Errata to Withdrawal of Request for Administrative Review,'' dated August 3, 2026 (*Bel Trade et al.'s Errata to Withdrawal of Request*).

[11] *See* Memorandum, ''Correction to Previous Memoranda and Notice of Intent to Rescind Administrative Review,'' dated August 25, 2026 (*Intent to Rescind and Errata*).

[12] *See* CAMP's Withdrawal of Request; *see also* Bel Trade *et al.'s* Withdrawal of Request.

[13] *See* Bel Trade *et al.'s* Errata to Withdrawal of Request.

[14] *See* Appendix I for a list of companies for which all review requests were withdrawn.

[15] *See* First Notice of Intent to Rescind.

[16] *See, e.g., Common Alloy Aluminum Sheet From the People's Republic of China: Recission of Countervailing Duty Administrative Review; 2025,* 91 FR 67283 (October 26, 2026); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

[17] *See* 19 CFR 351.212(b)(2).

[18] *See* 19 CFR 351.213(d)(3).

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Act, and 19 CFR 351.213(d)(4).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Attachment I

List of Companies For Which All Parties Withdrew Their Request for Administrative Review

1. Anji Huaxin Bamboo & Wood Products Co., Ltd.
2. Bel Trade Wood Industrial Co.
3. Bel Trade Wood Industrial Co., Ltd. Youxi Fujian
4. Fotiou Frames Limited
5. Fujian Hongjia Craft Products Co., Ltd.
6. Fujian Jinquan Trade Co., Ltd.; Fujian Province Youxi County Baiyuan Wood Machining Co., Ltd.
7. Fujian Wangbin Decorative Material Co., Ltd.
8. Fujian Yinfeng Imp & Exp Trading Co., Ltd.; Fujian Province Youxi City Mangrove Wood Machining Co., Ltd.; Fujian Province Youxi City Mangrove Wood Machining Co., Ltd Youxi Xicheng Branch
9. Longquan Jiefeng Trade Co., Ltd.; Zhejiang Senya Board Industry Co., Ltd.
10. Nanping Huatai Wood & Bamboo Co., Ltd.
11. Putian Yihong Wood Industry Co., Ltd.
12. Sanming Lingtong Trading Co., Ltd.
13. Shuyang Kevin International Co., Ltd.
14. Zhangzhou Wangjiamei Industry & Trade Co., Ltd.

Attachment II

List of Companies Rescinded From the Administrative Review Due to No Suspended Entries of Subject Merchandise During the POR

1. Aventra Inc.
2. Baixing Import and Export Trading Co., Ltd Youxi Fujian
3. Cao County Hengda Wood Products Co., Ltd.
4. China Cornici Co. Ltd.
5. Fujian Shunchang Shengsheng Wood Industry Limited Company
6. Fujian Youxi Best Arts & Crafts Co., Ltd.
7. Fujian Zhangping Kimura Forestry Products Co., Ltd.
8. Homebuild Industries Co., Ltd.
9. Huaan Longda Wood Industry Co., Ltd.
10. Jiangsu Chensheng Forestry Development Co., Ltd.
11. Jiangsu Wenfeng Wood Co., Ltd.
12. Omni One Co., Limited.
13. Raoping HongRong Handicrafts Co., Ltd (d.b.a. Chen Chui Global Corp.)
14. Shandong Miting Household Co., Ltd.
15. Shaxiang Hengtong Wood Industry Co., Ltd.
16. Shaxian Shiyiwood, Ltd
17. Shenzhen Xinjintai Industrial Co., Ltd.
18. Shuqian Sulu Import & Export Trading Co., Ltd.
19. Wuxi Boda Bamboo & Wood Industrial Co., Ltd.
20. Zhangzhou Yihong Industrial Co., Ltd.

[FR Doc. 2026–22631 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–134]

Certain Metal Lockers and Parts Thereof From People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain metal lockers and parts thereof (metal lockers) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of the Sunset Review'' section of this notice.

DATES: Applicable November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Frank Schmitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4880.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 2021, Commerce published the *Order* on metal lockers from China.[1] On July 2, 2026, Commerce published the notice of initiation of the first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On July 16, 2026, Commerce received a notice of intent to participate from List Industries, Inc. and Tennsco, LLC (the domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed interested party status under section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as U.S. producers of the domestic like product.

On July 31, 2026, Commerce received an adequate substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] Commerce did not receive a substantive response from any government or respondent interested party to this proceeding. On August 24, 2026, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, Commerce conducted an expedited (120-day) sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Order

The merchandise covered by this *Order* is certain metal lockers and parts thereof. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, we determine that revocation of the *Order* would be likely to lead to

[1] *See Certain Metal Lockers and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders,* 86 FR 46826 (August 20, 2021) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 40515 (July 2, 2026).

[3] *See* Domestic Interested Parties' Letter, ''Five-Year (1st Sunset) Review of the Countervailing Duty Order on Metal Lockers From China—Domestic Interested Parties' Notice of Intent to Participate,'' dated July 16, 2026.

[4] *See* Domestic Interested Parties' Letter, ''First Five-Year ''Sunset'' Review of the Countervailing Duty Order on Metal Lockers From People's Republic of China—Domestic Industry's Substantive Response,'' dated July 31, 2026.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on July 02, 2026,'' dated August 24, 2026.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Metal Lockers from China,'' dated concurrently with and adopted by this notice (Issues and Decision Memorandum).

continuation or recurrence of a countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent *ad valorem*)
Xingyi Metalworking Technology (Zhejiang) Co., Ltd.; Zhejiang Xingyi Metal Products Co., Ltd.	24.66
Changshu Taron Machinery Equipment Manufacturing Co., Ltd.	131.51
Guangdong Yuhua Building Materials Co., Ltd.	131.51
Jiangsu Tongrun Tool Cabinet Co., Ltd.	131.51
Luoyang Mas Younger Office Furniture Co./Louyang Mas Younger Export and Import Co.	131.51
Luoyang Shidiu Import and Export Co., Ltd.	131.51
Suzhou Yuanda Commercial Products Co., Ltd.	131.51
Winnsen Industry Co., Ltd.	131.51
Xiamen Headleader Technology	131.51
All Others	24.66

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: October 30, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2026–22627 Filed 11–4–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–815]

Certain Aluminum Foil From the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Oman Aluminium Rolling Company SPC (OARC) made sales of certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) at less than normal value during the period of review (POR), November 1, 2023, through October 31, 2024.

DATES: Applicable November 5, 2026.

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

SUPPLEMENTARY INFORMATION:

Background

On May 6, 2026, Commerce published in the **Federal Register** the *Preliminary Results* of the 2023–2024 administrative review of the antidumping duty (AD) order on aluminum foil from Oman, and invited interested parties to comment.[1] On June 26, 2026, the Aluminum Association Trade Enforcement Working Group and its individual members (collectively, the petitioners) and OARC submitted their case briefs.[2] On July 6, 2026, the petitioners and OARC submitted rebuttal briefs.[3] On August 27, 2026, October 2, 2026, and October 23, 2026, Commerce extended the deadline for issuing these final results.[4]

For a complete description of the events that followed the *Preliminary Results, see* the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[6]

The scope of the *Order* covers aluminum foil from Oman. For a full

[1] *See Certain Aluminum Foil from the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 24515 (May 6, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Petitioners' Letter, ''Petitioners' Affirmative Case Brief,'' dated June 26, 2026; *see also* OARC's Letter, ''OARC's Case Brief,'' dated June 26, 2026.

[3] *See* Petitioners' Letter, ''Petitioners' Rebuttal Case Brief,'' dated July 6, 2026; *see also* OARC's Letter, ''OARC's Rebuttal Brief,'' dated July 6, 2026.

[4] *See* Memoranda, ''Extension of Deadline for the Final Results of Antidumping Duty Administrative Review,'' dated August 27, 2026; ''Second Extension of Deadline for the Final Results of Antidumping Duty Administrative Review,'' dated October 2, 2026; and ''Third Extension of Deadline for the Final Results of Antidumping Duty Administrative Review,'' dated October 23, 2026.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Certain Aluminum Foil from the Sultanate of Oman; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Antidumping Duty Orders,* 86 FR 62790 (November 12, 2021) (*Order*).

description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided as an appendix to this notice.

Changes Since the Preliminary Results

Based on our analysis of the comments received, and for the reasons explained in the Issues and Decision Memorandum, we made changes from the *Preliminary Results.*

Final Results of Administrative Review

For these final results, we determine that the following estimated weighted-average dumping margin exists for the period November 1, 2023, through October 31, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Oman Aluminium Rolling Company SPC	0.76

Disclosure

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

Assessment Rates

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

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

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[7] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[8] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[9] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[10]

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by OARC for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[11]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the *Final Results* of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate established in the less-than-fair-value investigation (*i.e.,* 3.89 percent).[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

[7] *See* 19 CFR 351.212(b)(1).

[8] *Id.*

[9] *Id.*

[10] *See* 19 CFR 351.106(c)(2).

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

[12] *See Certain Aluminum Foil from the Sultanate of Oman: Final Affirmative Determination of Sales at Less-Than-Fair-Value,* 86 FR 52876 (September 23, 2021).

Dated: November 2, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether OARC Separately Negotiated or Received Freight Revenue
Comment 2: Freight Revenue Offset Calculation Methodology
Comment 3: Whether To Change Sohar's Reported Cost of Production (COP)
Comment 4: Whether To Apply Partial Adverse Facts Available (AFA) for OARC's Missing Market Benchmark
Comment 5: Whether To Adjust OARC's COP
Comment 6: Whether To Apply Partial AFA to OARC's U.S. Sales Reporting
VI. Recommendation

[FR Doc. 2026–22623 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG164]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is holding a public meeting of a Scientific and Statistical Committee (SSC) Subpanel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, November 17, 2026, beginning at 9 a.m. EST. Webinar Registration information: *https://nefmc-org.zoom.us/meeting/register/RQr5tK_7QDurvFl6cBwiYw.*

ADDRESSES:

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

A SSC Subpanel will review methods developed by the Atlantic Herring Plan Development Team (PDT) for the Council to evaluate and potentially establish time and area closures for the Atlantic herring fishery to reduce catches of river herring and shad. In this review, the subpanel will: (1) consider background information including the performance of the current river herring and shad catch caps in the Atlantic herring fishery and a summary of ocean studies of river herring and shad, (2) review species distribution models and closure options developed by the PDT, (3) provide feedback to the Council on how this research can inform management measures, and (4) provide any recommendations for improving the methods. This technical review follows the Council's Research Review Policy, consistent with National Standard 2 Guidelines.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

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

Dated: November 3, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–22637 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG145]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public online meeting.

SUMMARY: The Groundfish Subcommittee of the Pacific Fishery Management Council's (Pacific Council's) Scientific and Statistical Committee (SSC) will hold a virtual meeting to update the Accepted Practices Guidelines for Groundfish Stock Assessments document. The SSC Groundfish Subcommittee meeting is open to the public.

DATES: The SSC Groundfish Subcommittee's online meeting will be held Thursday, December 3, 2026, beginning at 1 p.m. and continuing until 5 p.m. Pacific Time or until business for the day has been completed.

ADDRESSES: The SSC Groundfish Subcommittee's meeting will be an online meeting. Specific meeting information, including directions on how to join the meeting and system requirements, will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). Please contact Hayden York (*hayden.york@pcouncil.org*) or (503) 820–2424 for technical assistance.

FOR FURTHER INFORMATION CONTACT: Diana Perry, Staff Officer, Pacific Council; telephone: (503) 820–2414, email: *Diana.Perry@pcouncil.org.*

SUPPLEMENTARY INFORMATION: The purpose of the SSC Groundfish Subcommittee's meeting is to update best practices for conducting groundfish stock assessments. Recommendations of SSC Groundfish Subcommittee members will inform the Accepted Practices Guidelines for Stock Assessments in 2027 and 2028, which is a compilation of guidelines for groundfish stock assessment scientists. The updated version of the Accepted Practices Guidelines for Stock Assessments will be posted on the Pacific Council's website shortly after the meeting.

No management actions will be decided by the SSC Groundfish Subcommittee. The SSC Groundfish Subcommittee members' role will be development of recommendations for

consideration by West Coast groundfish stock assessment scientists.

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

Special Accommodations

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

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

Dated: November 3, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–22640 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG157]

Caribbean Fishery Management Council's Scientific and Statistical Committee; Public Virtual Meeting

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

ACTION: Notice of a public virtual meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a 1-day public virtual meeting to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION.**

DATES: The SSC public virtual meeting will be held on December 3, 2026, from 12 p.m. to 4:30 p.m. Atlantic Standard Time (AST).

ADDRESSES: You may join the SSC public virtual meeting via Zoom from a computer or smartphone by entering the following address: *https://us02web.zoom.us/j/81360057937?pwd=asuZrJhYZvdbbMC6bGOsaeah9qDWuF.1*

Meeting ID: 813 6005 7937.
Passcode: 885748.
One tap mobile:
+17193594580,,86455058952#,,,,*667127# US
+12532050468,,86455058952#,,,,*667127# US

Dial by your location:

- +1 719 359 4580 US
- +1 301 715 8592 US (Washington DC)
- +1 669 900 9128 US (San Jose)
- +1 787 945 1488 Puerto Rico
- +1 939 945 0244 Puerto Rico

Meeting ID: 813 6005 7937.
Passcode: 885748.
Find your local number: https://us02web.zoom.us/u/kbsxt9K6S.
Join by SIP:

- *86455058952@zoomcrc.com*

In case of problems with ZOOM, please join the meeting via GoToMeeting by entering the following address: *https://meet.goto.com/768055309.*

You can also dial in using your phone. Access Code: 200–609–301; United States: +1 (224) 501–3412.

Get the app now and be ready when your first meeting starts: *https://meet.goto.com/install.*

FOR FURTHER INFORMATION CONTACT: Liajay Rivera García, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

December 3, 2026

12 p.m.–12:15 p.m.

—Call to Order
—Roll Call
—Adoption of Agenda
—Approval of the July 7–8, 2026 Minutes

12:15 p.m.–2 p.m.

—Consider Use of Fishery Dependent Index of Abundance and Updated Time Series for SEDAR 91 Spiny Lobster St. Thomas/St. John—Adyan Rios, SEFSC, NOAA Fisheries

2 p.m.–2:15 p.m.

Break

2:15 p.m.–3:45 p.m.

—Evaluation of Managed Stocks Needs for Conservation and Management Update—Sarah Stephenson, SERO, NOAA Fisheries

3:45 p.m.–4:15 p.m.

—SEDAR 103 Update—Kevin McCarthy, SEFSC, NOAA Fisheries
—Caribbean Amendment & Action Status—CFMC staff

4:15 p.m.–4:30 p.m.

—Other Business
—National Scientific Coordination Subcommittee (SCS9) Update—CFMC Staff
—Next Meeting

4:30 p.m.

—Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The public virtual meeting will begin on December 3, 2026, at 12 p.m. AST, and will end at 4:30 p.m. AST. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated, at the discretion of the Chair. In addition, the public virtual meeting may be completed prior to the date established in this notice.

Special Accommodations

For any additional information on this public virtual meeting, please contact Liajay Rivera García, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 403–8337.

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

Dated: November 3, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–22641 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Southeast Fishing and Boating Survey

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's

reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before January 4, 2027.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov*. Please reference OMB Control Number 0648–0769 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to David W. Carter, Economist, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, FL 33149, (305) 707–0591, and *david.w.carter@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Sponsored by NOAA's Southeast Fisheries Science Center (SEFSC), this request seeks an extension of a currently approved information collection. As part of this submission, we request updating the title of our OMB Control Number from *Florida Fishing and Boating Survey Pilot* to *Southeast Fishing and Boating Survey*. Replacing ''Florida'' with ''Southeast'' reflects our plans to survey marine anglers across additional Southeastern states, broadening the collection of data on regional angler preferences and demand. This broader scope necessitates only minor changes to the survey instrument to address regional terminology and will not alter the requested burden hours.

The primary goal under OMB Control Number 0648–0769 is to evaluate how boaters and anglers adjust their behaviors in response to changing trip costs and regulatory updates throughout the Southeast, including both Atlantic Ocean and Gulf of America waters. Collected data will enhance economic impact analyses regarding regulatory revisions (such as bag limits or season lengths) and shifting financial factors like fuel prices. Furthermore, responses covering current trip frequencies alongside projected trips under modified conditions will be used to construct predictive models for regional fishing and boating participation.

The population to be surveyed consists of anglers and boat owners with a license to fish in the Gulf of America or Atlantic. The sample will be drawn from a list of licensed Southeast anglers and boat owners. Anglers/boat owners will be emailed an invitation to the online survey that directs them to a website to complete the survey.

II. Method of Collection

Anglers/boat owners will be emailed an invitation that directs them to a website to complete the survey.

III. Data

OMB Control Number: 0648–0769.

Form Number(s): None.

Type of Review: Regular Submission [Extension of a current information collection].

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,120.

Estimated Time per Response: 3 minutes.

*Estimated Total Annual Burden Hours:*156 hours.

Estimated Total Annual Cost to Public: $0.00.

Respondent's Obligation: Voluntary.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act as reauthorized in 2007 (16 U.S.C. 1801 et. seq.)

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2026–22569 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG113]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Whiting Committee and Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, November 19, 2026, at 9:30 a.m. EST. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/WnQIQOwaSjavM44x1XTpLw*.

ADDRESSES: This meeting will be held at Courtyard by Marriott, 64 University Ave., Westwood, MA 02090; Phone (781) 467–1252.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Ph.D., Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Whiting Committee and Advisory Panel will meet to receive a fishery performance report for fishing year 2025 and an updated risk policy matrix. They will receive Scientific and Statistical Committee recommendations for 2027–2031 catch limit specifications along

with risk scoring results. The group will also develop recommendations for preferred alternatives for red hake possession limits, southern red hake in-season accountability measure trigger, and monkfish and lobster possession limits in the Cultivator Shoals Area for Council consideration. They will also discuss the draft 2027 Council Priorities (scope of proposed management actions) and develop committee comments for Council consideration. The Committee and Advisory Panel may also discuss potential management priorities for 2028 and beyond. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Ph.D., Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: November 3, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–22633 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Cook Inlet EEZ Commercial Salmon Fishery

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before January 4, 2027.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0818 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Allyson Olds, Technical Editor, Alaska Region Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99801, (907) 586–7228, and *allyson.olds@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for renewal of an approved information collection. This request is by the National Marine Fisheries Service (NMFS), Alaska Regional Office, for the renewal of the Cook Inlet Exclusive Economic Zone (EEZ) Commercial Salmon Fishery information collection. NMFS manages U.S. salmon fisheries off Alaska under the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska (Salmon FMP). NMFS developed the Cook Inlet Exclusive Economic Zone (EEZ) Commercial Salmon Fishery provisions under section 304(c)(1)(A) of the Magnuson-Stevens Fishery Management Act (Magnuson-Stevens Act), and these information collection requirements are necessary under regulations specified at 50 CFR part 679, subpart J.

This collection contains the applications and processes used by harvesters, processors, and other entities receiving deliveries of Cook Inlet EEZ salmon to apply for and manage their permits; provide catch, landings, and processing data; and mark drift gillnet buoys. The data is used to ensure that the fishery participants adhere to harvesting, processing, and other requirements necessary to manage the Cook Inlet EEZ commercial salmon fishery. This information collection includes recordkeeping, reporting, and compliance requirements necessary for the management and monitoring of the Cook Inlet EEZ Area salmon fishery, including the following:

- Application For Salmon Federal Fisheries Permit (SFFP);
- Application For Salmon Federal Processor Permit (SFPP);
- Application for Registered Salmon Receiver Permit (RSRP);
- Salmon eLandings Processor Registration;
- Salmon Receiver Landing Report;
- Catcher Vessel Daily Fishing Logsheet Salmon Gillnet Gear; and
- Salmon Drift Gillnet Marker Buoys.

Harvesting vessels are required to have a Salmon Federal Fisheries Permit (SFFP) to commercially fish for salmon in the Cook Inlet EEZ Area. An SFFP authorizes the vessel to conduct operations in the Cook Inlet EEZ Area, subject to all other Federal requirements. The Application for Salmon Federal Fisheries Permit is used by the owner or authorized representative of a catcher vessel to obtain, renew, amend, or surrender an SFFP. NMFS issues an SFFP at no charge after receipt and review of a complete SFFP application. The information collected on this application includes the type of request; owner identification and contact information; vessel information; and signature of the applicant or their authorized representative. If completed by an authorized representative, authorization must be attached. If ownership has changed or if it is an application for a vessel to which an SFFP has never been issued, documentation on vessel ownership must be provided.

Processors that receive and process landings of salmon caught in the Cook Inlet EEZ Area by a vessel authorized by an SFFP are required to obtain a Salmon Federal Processor Permit (SFPP). This includes any person, facility, vessel, or stationary floating processor (SFP) that receives, purchases, or arranges to purchase and process unprocessed salmon harvested in the Cook Inlet EEZ Area, except registered salmon receivers. The Application For Salmon Federal Processor Permit is used to obtain, renew, amend, or surrender an SFPP. NMFS issues an SFPP at no charge after receipt and review of a complete SFFP application. The

information collected on this application includes the type of request; processor identification and contact information; processor ownership information; and signature of the applicant or their authorized representative. If completed by an authorized representative, authorization must be attached. If ownership has changed or if an FPP has never been issued for this processor, a copy of the USCG Abstract of Title or Certificate of Documentation must be included with this application.

A Registered Salmon Receiver Permit (RSRP) is required for any person, other than an SFPP holder, to receive salmon commercially harvested in the Cook Inlet EEZ Area from the person(s) who harvested the fish. Persons or businesses that receive landings (deliveries) of Cook Inlet EEZ salmon from harvesting vessels but do not immediately process it, or transport it to another location for processing, are required to obtain an RSRP. The Application for Registered Salmon Receiver Permit is used by the owner or authorized representative to obtain, renew, amend, or surrender an RSRP. NMFS issues an RSRP at no charge after receipt and review of a complete RSRP application. The information collected on this application includes the type of request; applicant identification and contact information; type of salmon receiver operation and identification information; and signature of the applicant or their authorized representative. If completed by an authorized representative, authorization must be attached.

SFPP and RSRP holders who do not already have access to eLandings due to their participation in other fisheries, complete the salmon eLandings processor registration before using the eLandings system. Registration is necessary to request authorization to use the system, create a unique User ID, and obtain a password. The registration is completed online at the eLandings registration page: *https://elandings.alaska.gov/web/register.html.* Entering the information generates a User Agreement Form that the User must print, sign, and submit to NMFS. NMFS emails confirmation that the User is registered, authorized to use eLandings, and that the User ID and the User's account are enabled. Section 679.115(b)(3) lists the information required for the eLandings processor registration. The following type of information is collected: type of operation (selected from a dropdown list); operation name; ADF&G processor code; Federal permit types and numbers; home port code; ADF&G vessel identification number (if a tender vessel); vehicle license information (if a vehicle); if a buying station, tender vessel, or custom processor, information that identifies the associated processor where the processing will take place; and identification and contact information for the primary eLandings User.

The manager of a shoreside processor or a registered salmon receiver that receives salmon from a vessel issued an SFFP under § 679.114 and that is required to have an SFPP or RSRP under § 679.114(c) or (d) is required to use eLandings or other NMFS-approved software to submit a daily salmon receiver landing report during the fishing year. To manage the fishery successfully and avoid overfishing, Federal managers need accurate and rapidly reported catch data from the EEZ to deduct salmon catches from the total allowable catch. Section 679.115(b)(4) lists the fields for the landing report that eLandings autofills with information from the processor's or registered salmon receiver's eLandings registration record. Section 679.115(b)(5) lists the information submitted by the manager of a shoreside processor or a registered salmon receiver on the salmon receiver landing report. The report collects the following information: processor identification information, delivery information, catch information, and discard or disposition information.

The operator of a catcher vessel that is required to have an SFFP under § 679.114(b) and that is using gillnet gear to harvest salmon in the Cook Inlet EEZ Area, is required to maintain a salmon drift gillnet daily fishing log (catcher vessel daily fishing logsheet salmon gillnet gear). This logsheet is necessary to collect catch and bycatch information. The data provided by the logs satisfies the Magnuson-Stevens Act Standardized Bycatch Reporting Methodology requirement (16 U.S.C. 1853(a)(11)). Information from logs is also used to corroborate vessel monitoring system data in the event of a suspected Federal fishery violation.

Drift gillnet gear is required to be marked at both ends with buoys (salmon drift gillnet marker buoys) that legibly display the vessel's SFFP number. Regulations that fishing gear be marked with identification information are essential to facilitate fisheries enforcement and actions concerning damage, loss, and civil proceedings. The ability to link fishing gear to the vessel owner or operator is crucial to enforcement of regulations. NOAA Office of Law Enforcement and the United States Coast Guard (USCG) use the identification information on fishing gear when issuing violations, prosecutions, and other enforcement actions. Buoy marking reduces the costs to NOAA Office of Law Enforcement and the USCG for enforcement efforts and allows for more effective enforcement of fishing gear regulations. Cooperating fishermen also use the gear identification to report placement or occurrence in unauthorized areas.

There have been no changes to this collection except to update respondent numbers and labor costs.

II. Method of Collection

The applications for permits are available as fillable PDFs on the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/permit/alaska-federal-fisheries-permit-and-federal-processor-permit-applications* and may be downloaded, emailed, printed, faxed, or delivered to NMFS. The Salmon eLandings Processor Registration may be done electronically online at *https://elandings.alaska.gov/web/register.html* or by mail, fax, or delivery. The Salmon Receiver Landing Report may be submitted electronically. The Catcher Vessel Daily Fishing Logsheet Salmon Gillnet Gear may be submitted by mail or email.

III. Data

OMB Control Number: 0648–0818.

Form Number(s): None.

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

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

Estimated Number of Respondents: 400 unique respondents.

Estimated Time Per Response: Application for Salmon Federal Fisheries Permit (SFFP)—15 min; Application for Salmon Federal Processor Permit (SFPP)—25 min; Application for Registered Salmon Receiver Permit (RSRP)—20 min; Salmon eLandings Processor Registration—15 min; Salmon Receiver Landing Report—10 min; Catcher Vessel Daily Fishing Logsheet Salmon Gillnet Gear—15 min; Salmon Drift Gillnet Marker Buoys—30 min.

Estimated Total Annual Burden Hours: 2,846 hours.

Estimated Total Annual Cost to Public: $20,100.

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

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

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2026–22643 Filed 11–4–26; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds product(s) a the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* December 05, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On October 1, 2026, the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. (91 FR 62501). This final notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. The Committee has determined that the products listed below are suitable for procurement by the Federal Government and has added these products to the Procurement List. In accordance with 41 CFR 51–5.2, the Committee has authorized the qualified nonprofit agencies described with the product(s) as the authorized source(s) of supply. Additionally, in accordance with 41 CFR 51–2.4, the Committee considered relevant information from the contracting activity that this (product) requirement is not applicable to other Federal entities and has granted the activity's requested preference for purchase or distribution. These products are not available through the Commission's Commercial Distribution Program, and other Federal entities wishing to purchase this product must contact the contracting activity listed directly for information on purchase availability.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) added to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):

650025301N—Kit, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate TMT Configuration

650025302N—Resupply Pack, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate TMT Configuration

650025310N—Kit, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate CAT Configuration

650025320N—Kit, First Aid, Stop the Bleed, Personal Bleed Control Kit, Intermediate SOFTT–W Configuration

Authorized Source of Supply: Alphapointe, Kansas City, MO

Mandatory For: DEPT OF DEFENSE

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Deletions

On October 1, 2026 (91 FR 62501), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 7105–00–269–9275—Table, Folding Legs, 36″ x 24″, Olive Drab

Authorized Source of Supply: Pennyroyal Regional Mental Health-Mental Retardation Board, Inc., Hopkinsville, KY

Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–22568 Filed 11–4–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: December 05, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington DC, 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 2590–01–279–5714—Control Assembly, Push-Pull

Authorized Source of Supply: Opportunities, Inc. of Jefferson County, Fort Atkinson, WI

Contracting Activity: DEPT OF DEFENSE, DLA LAND AND MARITIME

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–22572 Filed 11–4–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

Accrediting Agencies Currently Undergoing Review for the Purpose of Recognition by the U.S. Secretary of Education

AGENCY: U.S. Department of Education, Office of Postsecondary Education.

ACTION: Call for written third-party comments.

SUMMARY: This notice provides information to members of the public on submitting written comments for accrediting agencies currently undergoing review for the purpose of recognition by the Secretary of Education.

DATES: Comments must be received on or before 30 days from publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elizabeth Daggett, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202, telephone: (202) 453–7615, or email: *elizabeth.daggett@ed.gov.*

SUPPLEMENTARY INFORMATION: This request for written third-party comments concerning the performance of accrediting agencies under review by the Secretary of Education is required by Section 496(n)(1)(A) of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001, *et seq.* (HEA), and pertains to the third meeting in 2027 of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). The meeting date will be announced in a later **Federal Register** notice and will describe how to register to provide oral comments at the meeting. Written comments submitted in response to this **Federal Register** notice must be submitted to the electronic mail address identified below on or before the comment due date.

Agencies Under Review and Evaluation: The Department requests written comments from the public on the following accrediting agencies, which are currently undergoing review and evaluation by the Accreditation Group, and which will be reviewed at the third 2027 NACIQI meeting.

The agencies are listed by the type of application each agency has submitted. Please note, each agency's current scope of recognition is indicated below. If any agency requested to expand its scope of recognition, both the current scope of recognition and the requested scope of recognition are identified below.

Applications for Renewal of Recognition

1. Accrediting Commission for Education in Nursing, Inc. Scope of Recognition: The accreditation of nursing education programs and schools, both postsecondary and higher degree, which offer a certificate, diploma, or a recognized professional degree including clinical doctorate, master's, baccalaureate, associate, diploma, and practical nursing programs including those offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

2. Accreditation Commission for Midwifery Education. Scope of Recognition: The accreditation and preaccreditation of basic certificate, basic graduate nurse-midwifery, direct entry midwifery, and pre-certification nurse-midwifery education programs, including those programs that offer distance education. Geographic Area of Accrediting Activities: Throughout the United States.

3. American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education. Scope of Recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of physical therapist education programs leading to the first professional degree at the master's or doctoral level and physical therapist assistant education programs at the associate degree level and for its accreditation of such programs offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

4. Higher Learning Commission. Scope of Recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of degree-granting institutions, including tribal institutions, and the accreditation of programs offered via distance education, correspondence courses, and direct assessment within these institutions. This recognition extends to the Institutional Actions Council jointly with the Board of Trustees of the Commission for decisions on cases for continued accreditation or reaffirmation, and continued candidacy, and to the Appeals Body jointly with the Board of Trustees of the Commission for decisions related to initial candidacy or accreditation or reaffirmation of accreditation. Geographic Area of

Accrediting Activities: Throughout the United States.

5. Middle States Commission on Higher Education. Scope of Recognition: The accreditation and preaccreditation (''Candidacy status'') of institutions of higher education including distance, correspondence education programs and direct assessment programs offered at those institutions. Recognition extends to the Executive Committee to act on behalf of the Commission as necessary on cases of initial, reaffirmed, and continued candidacy or initial, reaffirmed and continued accreditation. Geographic Area of Accrediting Activities: Throughout the United States.

6. New England Commission of Higher Education. Scope of recognition: The accreditation and preaccreditation (''Candidacy status'') of institutions of higher education including the accreditation of programs offered via distance education and direct assessment within those institutions. Jointly with the Commission, this recognition extends to its Executive Committee and also to the Appeals Body for decisions related to the appeal of denial or withdrawal of candidacy; probation; and denial or withdrawal of accreditation. Geographic Area of Accrediting Activities: Throughout the United States.

7. New York State Board of Regents (Public Postsecondary Vocational Education, Practical Nursing). Scope of Recognition: State agency for the approval of public postsecondary vocational education in the field of practical nursing, including via distance education, offered by a Board of Cooperative Educational Services, an Educational Opportunity Center, City School Districts, and County Boards of Supervisors to prepare persons for licensed practical nursing careers in the State of New York.

8. Oklahoma Department of Career and Technology Education. Scope of Recognition: State agency for the approval of public postsecondary vocational education.

9. Pennsylvania State Board of Career and Technical Education. Scope of Recognition: State agency for the approval of public postsecondary vocational education.

10. WASC Senior College and University Commission. Scope of recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of institutions of higher education that offer the baccalaureate degree or above, including distance education programs offered at those institutions. Geographic Area of Accrediting Activities: Throughout the United States.

Requested scope of recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of institutions of higher education, including programs offered by those institutions via distance education and/or using direct assessment. This recognition extends to the Executive Committee. Geographic Area of Accrediting Activities: Throughout the United States.

Submission of Written Comments Regarding a Specific Accrediting Agency or State Agency Under Review

Written comments in response to this **Federal Register** notice about the recognition of any of the accrediting agencies listed above must be received on or before the comment due date, in the *ThirdPartyComments@ed.gov* mailbox. Please include in the subject line ''Written Comments: (agency name).'' The electronic mail (email) must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a PDF, Microsoft Word document, or in a medium compatible with Microsoft Word that is attached to an email or provided in the body of an email message. Comments about an agency that has submitted a petition for initial recognition, renewal of recognition, or an expansion of scope must relate to the agency's compliance with the Criteria for the recognition of Accrediting Agencies, which are available at: *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602?toc=1.*

Only written materials submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations. Comments about the agencies listed in this **Federal Register** notice may also be provided orally at the third 2027 NACIQI meeting, which has not yet been scheduled, but which will be announced in a future **Federal Register** notice.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *https://www.govinfo.gov/.* At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1099b; 20 U.S.C. 1011c.

David Barker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2026–22644 Filed 11–4–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–2707]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Higher Education Act (HEA) Title II Report Cards on State Teacher Credentialing and Preparation

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

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

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Ross Santy, 202–245–7384.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Higher Education Act (HEA) Title II Report Cards on State Teacher Credentialing and Preparation.

OMB Control Number: 1840–0744.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 2,259.

Total Estimated Number of Annual Burden Hours: 333,160.

Abstract: This request is for an extension without change of the State Report Card and Institution and Program Report Card required by the Higher Education Act of 1965, as amended in 2008 by the Higher Education Opportunity Act (HEOA). States must report annually on criteria and assessments required for initial teacher credentials using a State Report Card (SRC), and institutions of higher education (IHEs) with teacher preparation programs (TPP), and TPPs outside of IHEs, must report on key program elements on an Institution and Program Report Card (IPRC). IHEs and TPPs outside of IHEs report annually to their states on program elements, including program numbers, type, enrollment figures, demographics, completion rates, goals and assurances to the state. States, in turn, must report on TPP elements to the Secretary of Education in addition to information on assessment pass rates, state standards, initial credential types and requirements, numbers of credentials issued, TPP classification as at-risk or low-performing. The information from states, institutions, and programs is published annually in The Secretary's Report to Congress on Teacher Quality.

Ross Santy,

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

[FR Doc. 2026–22613 Filed 11–4–26; 8:45 am]

BILLING CODE 4000–01–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: ER27–376–000.
Applicants: Switched On, LLC.
Description: 205(d) Rate Filing: Normal filing 2026 to be effective 10/31/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5295.
Comment Date: 5 p.m. ET 11/20/26.

Docket Numbers: ER27–377–000.
Applicants: System Energy Resources, Inc.
Description: 205(d) Rate Filing: SERI Depr Rates Update—Transmission and General Plant to be effective 1/1/2027.
Filed Date: 10/30/26.
Accession Number: 20261030–5298.
Comment Date: 5 p.m. ET 11/20/26.

Docket Numbers: ER27–378–000.
Applicants: Puget Sound Energy, Inc.
Description: 205(d) Rate Filing: Renewal of BPA Blaine Agreements to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5302.
Comment Date: 5 p.m. ET 11/20/26.

Docket Numbers: ER27–379–000.
Applicants: Public Service Company of Colorado.
Description: 205(d) Rate Filing: 2026–10–30—PSCoM—NITSA/NOA to be effective 10/31/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5001.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–380–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–11–02_SA 4900 OTP–OTP GIA (S1055) to be effective 10/26/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5170.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–381–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–11–02_SA 1246 OTP–OTP 1st Rev GIA (G059) to be effective 10/26/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5175.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–382–000.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: 205(d) Rate Filing: 2027 Rate Change Filing to be effective 1/1/2027.
Filed Date: 11/2/26.
Accession Number: 20261102–5183.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–383–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: PowerSouth Amended and Restated Long-Term Firm PTP Agreement Termination Filing to be effective 1/1/2027.
Filed Date: 11/2/26.
Accession Number: 20261102–5189.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–384–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–11–02_Retirement of Coordinated Transaction Scheduling (CTS) Product to be effective 1/13/2027.
Filed Date: 11/2/26.
Accession Number: 20261102–5191.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–385–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–11–02_MISO–PJM JOA Remove Coordinated Transaction Scheduling to be effective 1/13/2027.
Filed Date: 11/2/26.
Accession Number: 20261102–5192.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–386–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 2236R21 Golden Spread Electric Cooperative, Inc. NITSA NOA to be effective 10/1/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5196.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–387–000.
Applicants: AL Solar A, LLC.
Description: Compliance filing: Revised MBR Tariff & Notice of Change in Category Seller Status to be effective 11/3/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5203.
Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–388–000.
Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to GIA, Service Agreement No. 7836; AG1–341 to be effective 1/2/2027.

Filed Date: 11/2/26.

Accession Number: 20261102–5205.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–389–000.

Applicants: Boralex Energy Trading and Marketing Inc.

Description: Compliance filing: Revised MBR Tariff and Notice of Change in Category Seller Status to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5206.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–390–000.

Applicants: Five Points Solar Park LLC.

Description: Compliance filing: Revised MBR Tariff and Notice of Change in Category Seller Status to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5207.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–391–000.

Applicants: Milo Wind Project, LLC.

Description: Compliance filing: Revised MBR Tariff and Notice of Change in Category Seller Status to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5209.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–392–000.

Applicants: Roosevelt Wind Project, LLC.

Description: Compliance filing: Revised MBR Tariff and Notice of Change in Category Seller Status to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5210.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–393–000.

Applicants: South Glens Falls Limited Partnership.

Description: Compliance filing: Revised MBR Tariff and Notice of Change in Category Seller Status to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5215.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–394–000.

Applicants: Colorado Highlands Wind, LLC.

Description: Compliance filing: Notice of Change in Status & Revised MBR Tariff to Update Category Seller Status to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5227.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–395–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 2446R3 Municipal Energy Agency of Nebraska NITSA and NOA to be effective 10/1/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5233.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–396–000.

Applicants: Elevate Renewables F7, LLC.

Description: Compliance filing: Notice of Change in Category Seller Status and Revised MBR Tariff to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5242.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–397–000.

Applicants: LWP Lessee, LLC.

Description: Compliance filing: Notice of Change in Category Seller Status and Revised MBR Tariff to be effective 11/3/2026.

Filed Date: 11/2/26.

Accession Number: 20261102–5250.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–398–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–11–02 Attachment GGG Modifications to be effective 1/15/2027.

Filed Date: 11/2/26.

Accession Number: 20261102–5253.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–399–000.

Applicants: RPC Power, LLC.

Description: Tariff Amendment: RPC Power, LLC—Notice of Cancellation of Market-Based Rate Tariff to be effective 1/1/2027.

Filed Date: 11/2/26.

Accession Number: 20261102–5268.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: RC11–6–024.

Applicants: North American Electric Reliability Corporation.

Description: North American Electric Reliability Corporation submits 2026 Annual Report on Find, Fix, Track and Report and Compliance Exception programs under RC11–6.

Filed Date: 10/30/26.

Accession Number: 20261030–5334.

Comment Date: 5 p.m. ET 11/13/26.

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: November 2, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–22580 Filed 11–4–26; 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: EC27–11–000.

Applicants: Campbell County Wind Farm, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Campbell County Wind Farm, LLC.

Filed Date: 10/28/26.

Accession Number: 20261028–5235.

Comment Date: 5 p.m. ET 11/18/26.

Take notice that the Commission received the following Exempt Wholesale Generator filings:

Docket Numbers: EG27–28–000.

Applicants: YUMA bn, LLC.

Description: YUMA bn, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 10/30/26.

Accession Number: 20261030–5335.

Comment Date: 5 p.m. ET 11/20/26.

Take notice that the Commission received the following Electric Rate filings:

Docket Numbers: ER10–2475–043; ER10–2474–042; ER10–3246–038; ER26–2531–003; ER26–2533–003; ER26–2536–003; ER24–1587–016; ER22–1385–026; ER26–2535–002; ER23–674–022; ER13–1266–066; ER15–2211–063; ER10–1520–032; ER10–1521–032.

Applicants: Occidental Power Marketing, L.P., Occidental Power Services, Inc., MidAmerican Energy Services, LLC, CalEnergy, LLC, BHE Wind Watch, LLC, Power Watch, LLC, BHER Market Operations, LLC., AlbertaEx, L.P., Rim Rock Wind, LLC, Glacier Wind 2, LLC, Glacier Wind 1, LLC, PacifiCorp, Sierra Pacific Power Company, Nevada Power Company.

Description: Notice of Non-Material Change in Status of Nevada Power Company, et al.

Filed Date: 10/28/26.

Accession Number: 20261028–5230.

Comment Date: 5 p.m. ET 11/18/26.

Docket Numbers: ER11–2154–015.

Applicants: Twin Eagle Resource Management, LLC.

Description: Notice of Change in Status of Twin Eagle Resource Management, LLC.

Filed Date: 10/28/26.

Accession Number: 20261028–5226.

Comment Date: 5 p.m. ET 11/18/26.

Docket Numbers: ER17–242–024.

Applicants: Gavin Power, LLC.

Description: Notice of Non-Material Change in Status of Gavin Power, LLC.

Filed Date: 10/28/26.

Accession Number: 20261028–5228.

Comment Date: 5 p.m. ET 11/18/26.

Docket Numbers: ER17–1329–010; ER26–210–002; ER26–211–002.

Applicants: Pierpont Energy Prepay 10, LLC, Pierpont Energy Prepay 9, LLC, J.P. Morgan Ventures Energy Corporation.

Description: Notice of Change in Status of J.P. Morgan Ventures Energy Corporation, et al.

Filed Date: 10/28/26.

Accession Number: 20261028–5225.

Comment Date: 5 p.m. ET 11/18/26.

Docket Numbers: ER19–1411–008; ER21–573–009; ER21–574–009; ER12–1436–023; ER22–48–008; ER21–575–009; ER18–534–011; ER18–537–011; ER18–536–011; ER11–4266–021; ER18–538–012; ER18–535–011.

Applicants: Yankee Street, LLC, Sidney, LLC, Richland-Stryker Generation LLC, O.H. Hutchings CT, LLC, Monument Generating Station, LLC, Montpelier Generating Station, LLC, Lanyard Power Marketing, LLC, Gridflex Generation, LLC, Eagle Point Power Generation LLC, Dickerson Power, LLC, Chalk Point Power, LLC, GenOn Bowline, LLC.

Description: Notice of Non-Material Change in Status and Market Based Rate Tariff Changes of GenOn Bowline, LLC.

Filed Date: 10/22/26.

Accession Number: 20261022–5227.

Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: ER19–1865–007; ER19–2142–008; ER19–2143–008; ER19–1866–007; ER19–2148–009; ER19–2147–008; ER19–2141–008; ER19–1868–007; ER19–1869–007; ER19–2145–008; ER19–2144–008; ER19–1870–007; ER19–2140–008; ER19–1871–007; ER19–1872–007; ER19–2146–008.

Applicants: Warren Generation, LLC, Tolna Power, LLC, Titus Power, LLC, Shawville Power, LLC, Shawnee Power, LLC, Sayreville Power, LLC, Portland Power, LLC, Orrtanna Power, LLC, Niles Power, LLC, New Castle Power, LLC, Mountain Power, LLC, Heritage Power Marketing, LLC, Hamilton Power, LLC, Gilbert Power, LLC, Brunot Island Power, LLC, Blossburg Power, LLC.

Description: Notice of Change in Status of Blossburg Power, LLC, et al.

Filed Date: 10/27/26.

Accession Number: 20261027–5202.

Comment Date: 5 p.m. ET 11/17/26.

Docket Numbers: ER25–2883–004; ER26–1873–002.

Applicants: Hollis Creek PV I, LLC, Redfield PV I, LLC.

Description: Notice of Non-Material Change in Status of Redfield PV I, LLC, et al.

Filed Date: 10/28/26.

Accession Number: 20261028–5227.

Comment Date: 5 p.m. ET 11/18/26.

Docket Numbers: ER25–3475–007; ER10–1292–021; ER10–1319–023; ER10–1276–023; ER10–1353–023; ER10–1287–022; ER10–1303–021; ER25–3172–005; ER26–2521–002; ER24–3028–005; ER24–3029–005; ER26–1987–002; ER23–1411–008; ER25–1962–007.

Applicants: Century Oaks Energy Storage, LLC, Newport Solar LLC, Lake Iris Solar, LLC, Livingston Generating Station, LLC, Kalamazoo Generating Station, LLC, Hart Solar Partners, LLC, Genesee Solar Energy, LLC, Genesee Power Station Limited Partnership, Grayling Generation Station Limited Partnership, Dearborn Industrial Generation, L.L.C., Consumers Energy Company, CMS Generation Michigan Power, LLC, CMS Energy Resource Management Company, Branch Solar, LLC.

Description: Notice of Change in Status of Branch Solar, LLC, et al.

Filed Date: 10/28/26.

Accession Number: 20261028–5231.

Comment Date: 5 p.m. ET 11/18/26.

Docket Numbers: ER27–153–001.

Applicants: Citizens Sunrise Transmission LLC.

Description: Tariff Amendment: Correction to Annual TRBAA Filing to be effective 1/1/2027.

Filed Date: 11/2/26.

Accession Number: 20261102–5186.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–154–001.

Applicants: Citizens Sycamore-Penasquitos Transmission LLC.

Description: Tariff Amendment: Correction to Annual TRBAA Filing to be effective 1/1/2027.

Filed Date: 11/2/26.

Accession Number: 20261102–5193.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–155–001.

Applicants: Citizens S-Line Transmission LLC.

Description: Tariff Amendment: Correction to Annual TRBAA Filing to be effective 1/1/2027.

Filed Date: 11/2/26.

Accession Number: 20261102–5197.

Comment Date: 5 p.m. ET 11/23/26.

Docket Numbers: ER27–320–000.

Applicants: Southwest Power Pool Inc.

Description: Notice of Cancellation of Generator Interconnection Agreement of Southwest Power Pool, Inc.

Filed Date: 10/23/26.

Accession Number: 20261023–5230.

Comment Date: 5 p.m. ET 11/13/26.

Docket Numbers: ER27–330–000.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Proposed Amendments to the Reliability Backstop Procurement in ER26–3380 to be effective 1/15/2027.

Filed Date: 10/29/26.

Accession Number: 20261029–5227.

Comment Date: 5 p.m. ET 11/30/26.

Docket Numbers: ER27–330–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Errata to Correct Metadata and Waiver Request in RBP Compliance Filing to be effective 1/29/2027.

Filed Date: 10/30/26.

Accession Number: 20261030–5172.

Comment Date: 5 p.m. ET 11/30/26.

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: November 2, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–22579 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 137–242]

Pacific Gas and Electric Company; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 137–242.

c. *Dated Filed:* September 2, 2026.

d. *Submitted By:* Pacific Gas and Electric Company.

e. *Name of Project:* Mokelumne River Hydroelectric Project.

f. *Location:* The project occupies lands within the Sierra Nevada and includes portions of the North Fork of the Mokelumne River (NFMR), Bear River, mainstem Mokelumne River, and associated tributaries of the NFMR in Alpine, Amador, and Calaveras Counties, California. Portions of the Project occupy lands within the U.S. Department of Agriculture, Forest Service's Stanislaus National Forest, Eldorado National Forest, and Humboldt-Toiyabe National Forest, and lands managed by the U.S. Department of the Interior, Bureau of Land Management.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Susan Kester, Relicensing Senior Project Manager, Pacific Gas and Electric Company, 12840 Bill Clark Way, Auburn, CA 95602; (415) 264–7197 or email at *susan.kester@pge.com.*

i. *FERC Contact:* Benjamin Man at (202) 502–8127 or email at *benjamin.mann@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Pacific Gas and Electric Company as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Pacific Gas and Electric Company filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Mokelumne River Hydroelectric Project (P–137–242).

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so on or before 5:00 p.m. Eastern Time on January 4, 2027.

p. *Scoping Sessions:* Commission staff will hold two scoping sessions in the vicinity of the project. All interested individuals, organizations, and agencies are invited to attend one or both of the sessions to provide oral comments. The dates, times, and locations of the scoping sessions will be provided in a future notice.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping sessions, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph

n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review of the project. The date, time, and location of the Environmental Site Review will be provided in a future notice.

Scoping Session Objectives

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Commission staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) that will present Commission staff's independent analysis of the issues. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS.

Scoping session participants should come prepared to discuss their issues and/or concerns. Please review the PAD and SD1 in preparation for the scoping sessions. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The scoping sessions will begin promptly at their respective start times listed above. If you wish to speak, Commission staff will hand out numbers in the order of your arrival. If no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session a half hour earlier than the scheduled time.

Your oral comments will be recorded by a court reporter (with FERC staff or FERC representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see paragraph (n) of this notice for instructions on using eLibrary). If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from Pacific Gas and Electric Company will also be present to answer project-specific questions.

Proper conduct will help the sessions maintain a respectful atmosphere for attendees to provide comments effectively. Loudspeakers, lighting, oversized visual aids, other visual or audible disturbances, and disruptive video and photographic equipment are not permitted. Recorded interviews are also not permitted within the session space. FERC reserves the right to end the session if disruptions interfere with the opportunity for individuals to provide oral comments or if there is a safety or security risk.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22603 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Privacy Act of 1974; Systems of Records

AGENCY: Federal Energy Regulatory Commission (FERC), Department of Energy (DOE).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, all agencies are required to publish in the **Federal Register** a notice of their systems of records. Notice is hereby given that the Federal Energy Regulatory Commission (FERC) is publishing a notice of modifications to an existing FERC system of records titled ''*Biographies (FERC–6)*'' previously titled ''*Biographical Material on FERC Commissioners and Key Staff Members (FERC–6)*''.

DATES: Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by FERC, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments should be submitted in writing to Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, or electronically to *privacy@ferc.gov.* Comments should indicate that they are submitted in response to ''*Biographies (FERC–6)*''.

FOR FURTHER INFORMATION CONTACT: Mittal Desai, Chief Information Officer & Senior Agency Official for Privacy, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, *privacy@ferc.gov,* (202) 502–6432.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, and to comply with the Office of Management and Budget (OMB) Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information,* January 3, 2017, this notice has one (1) updated routine use, routine use 13, and twelve (12) new routine uses, routine uses 1–12, including two routine uses that will permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach that was previously published separately at 87 FR 35543 (June 10, 2022).

The following sections have been updated to reflect changes made since the publication of the last notice in the **Federal Register**: dates; addresses; for further contact information; system name and number; system location; system manager(s); authority for maintenance of the system; purpose(s) of the system; categories of individuals covered by the system; categories of records in the system; record source categories; routine uses of records maintained in the system, including categories of users and the purpose of such; policies and practices for storage of records; policies and practices for retrieval of records; policies and practices for retention and disposal of records; administrative, technical, physical safeguards; record access procedures; contesting record procedures; notification procedures; and history.

SYSTEM NAME AND NUMBER:

Biographies (FERC–6).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Energy Regulatory Commission, Office of External Affairs, Media Relations Division, 888 First Street NE, Washington, DC 20426.

SYSTEM MANAGER(S):

Supervisory Public Affairs Specialists, Media Relations Division, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street, Washington, DC 20426.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 717o; 16 U.S.C. 825h; 42 U.S.C. 7172(a)(2).; 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

The purpose of the system of records is to collect and use biographical data on professional background, education, qualifications, and academic achievements of FERC employees and to create information materials for publication outside of the Commission as part of public events, conferences, and meetings.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by the system are current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system include full name, title, photograph, date of birth, place of birth, hometown, telephone number, email address, marital status, family composition, hobbies and personal interests, educational background, past work experience, awards, published materials, military experience and honors.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual on whom the records are maintained.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, information maintained in this system may be disclosed to authorized entities outside FERC for purposes determined to be relevant and necessary as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) FERC suspects or has confirmed that there has been a breach of the system of records; (2) FERC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To another Federal agency or Federal entity, when FERC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

3. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

4. To the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

5. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

7. To the Department of Justice (DOJ) for its use in providing legal advice to FERC or in representing FERC in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by FERC to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest: (a) FERC; (b) any employee of FERC in his or her official capacity; (c) any employee of FERC in his or her individual capacity where DOJ has agreed to represent the employee; or (d) the United States, where FERC determines that litigation is likely to affect FERC or any of its components.

8. To non-Federal Personnel, such as contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of FERC or Federal Government and who have a need to access the information in the performance of their duties or activities.

9. To the National Archives and Records Administration in records management inspections and its role as Archivist.

10. To the Merit Systems Protection Board or the Board's Office of the Special Counsel, when relevant information is requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, and investigations of alleged or possible prohibited personnel practices.

11. To appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order.

12. To appropriate agencies, entities, and person(s) that are a party to a dispute, when FERC determines that information from this system of records is reasonably necessary for the recipient to assist with the resolution of the dispute; and the information may include the name, address, telephone number, email address, and affiliation; of the agency, entity, and/or person(s) seeking and/or participating in dispute resolution services, where appropriate.

13. To authorized Commission personnel whose official duties require access in to prepare introductions for speaking engagements, and news releases to announce appointments of Commissioners and key staff members.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in electric and paper format. Paper records are maintained in lockable file cabinets in a lockable room. Access to the lockable room is badge-activated. Electronic records are stored on a SharePoint site within FERC's network. All FERC employees and contractors with authorized access have undergone a thorough background investigation. Data access is restricted to agency personnel or contractors whose responsibilities

require access. Access to electronic records is controlled by the organization's Personal Identify Verification (PIV) cards or multi-factor authentication and/or other network access or security controls. Role-based access is used to restrict access, and the organization employs the principle of least privilege, allowing only authorized users with access necessary to accomplish assigned tasks in accordance with organizational missions and business functions.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by employee's name or title.

POLICIES AND PRACTICSE FOR RETENTION AND DISPOSAL OF RECORDS:

The retention schedule is located within the FERC Comprehensive Records Schedule, Part IV, Item 2—COMMISSION PUBLICATIONS. This section is designed to address official publications that are formally coordinated, prepared, and printed by the Government Printing Office, private contractors, or directly by the agency. It also encompasses special reports, studies, brochures, pamphlets, handbooks, manuals, catalogs, and other materials prepared for public relations and educational purposes, all intended to inform or promote agency programs and operations to the public. For records of this nature, the official record copies are classified as permanent. These permanent records will be transferred to NARA for long-term preservation, ensuring their continued availability and historical value.

ADMINISTRACTIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

See Policies and Practices for Storage of Records.

RECORD ACCESS PROCEDURES:

Individuals requesting access to the contents of records must submit a request through the Freedom of Information Act (FOIA) office. The FOIA website is located at: *https://www.ferc.gov/foia.* Requests may be submitted through the following portal: *https://www.ferc.gov/enforcement-legal/foia/electronic-foia-privacy-act-request-form.* Written requests for access to records should be directed to: Director, Office of External Affair, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

CONTESTING RECORD PROCEDURES:

See Records Access procedures.

NOTIFICATION PROCEDURE:

Generalized notice is provided by the publication of this notice. For specific notice, see Records Access Procedure, above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

65 FR 21743 (April 24, 2000).

Dated: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22606 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2538–106]

Erie Boulevard Hydropower, L.P.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Erie Boulevard Hydropower, L.P.'s, application for its Beebee Island Project No. 2538 proposing to remove the remaining conventional wooden flashboard system and replace it with a pneumatic flashboard system, and for a temporary variance from the requirements of license Articles 401, 411, and 414 for 12 weeks to allow for a 1.0-foot reservoir drawdown, reduced fish attraction flows, and a suspension of veiling flow requirements, respectively, and have prepared an Environmental Assessment (EA) for the project.[1] The project is located on the Black River in the town of Watertown, in Jefferson County, New York. The project does not occupy federal lands.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed replacement of the conventional wooden flashboard system with a pneumatic flashboard system and alternatives to the proposed action, and concludes that the proposed action would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary Search Form'' link. Enter the docket number (P–2538–106) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by December 2, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket numbers P–2538–106.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

For further information, contact Mark Mattozzi at (202) 502–8087 or *Mark.Mattozzi@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22604 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1781688954.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ27–1–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on October 23, 2026, Oncor Electric Delivery Company LLC

submits tariff filing per 35.28(e): Orlando's Revised Non-Jurisdictional Open Access Transmission Tariff, effective October 4, 2026.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.*

Comment Date: 5:00 p.m. Eastern Time on November 13, 2026.

Dated: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22605 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–551–000]

Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, FLNG Liquefaction 3, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Hourly Production Increase Project

On July 7, 2026, Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC (collectively Freeport LNG) filed an application seeking approval to increase the maximum hourly liquified natural gas (LNG) production rate of the Liquefaction Project from approximately 33.6 million standard cubic feet per hour to 35 million cubic feet per hour. Granting the requested authorization will provide Freeport LNG with operational flexibility to increase the hourly LNG production rate in response to maintenance, downtime or other operational events, while allowing Freeport LNG to achieve (but not exceed) the currently authorized maximum annual LNG production capacity of 870 billion cubic feet per year.

On July 21, 2026, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—November 6, 2026
90-day Federal Authorization Decision Deadline [2]—February 4, 2027

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Freeport LNG proposed increase the maximum hourly LNG production rate of the Liquefaction Project from approximately 33.6 to 25 million standard cubic feet. Freeport LNG has determined that the Hourly Maximum reflects the maximum flow rate of the Liquefaction Project at low ambient temperatures while other production variables are optimized.

Freeport LNG's has indicated that this increase can be implemented within the operating limits of existing major equipment. No changes are proposed to the currently installed major equipment, layout or design basis. Freeport LNG is not proposing to increase the maximum annual LNG production capacity of the Liquefaction Project and Freeport LNG is proposing no changes to any other engineering documents previously submitted.

Background

The Notice of Application informed stakeholders of three ways to become involved in the Commission's review of the Amendment, by either: (1) filing comments; (2) protesting Freeport LNG's proposal; or (3) filing a motion to intervene. We received no comments in response to the Notice of Application.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

For public inquiries and assistance with making filings such as

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1790266302.

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

Additional information about the Project is available from the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP26–551), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

(Authority: 18 CFR 2.1)

Dated: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22609 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP27–119–000.
Applicants: Palo Duro Transmission L.P.
Description: 4(d) Rate Filing: Tariff Filing—Ministerial and Minor Changes to be effective 12/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5143.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–120–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: 4(d) Rate Filing: AGT FRQ 2026 Filing to be effective 12/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5146.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–121–000.
Applicants: Alliance Pipeline L.P.
Description: 4(d) Rate Filing: Negotiated Rate Contract Adjustments and Temp Releases 11–01–26 to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5149.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–122–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (SRP Nov 2026) to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5159.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–123–000.
Applicants: Rockies Express Pipeline LLC.
Description: 4(d) Rate Filing: REX 2026–10–30 Negotiated Rate Agreements to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5165.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–124–000.
Applicants: Ruby Pipeline, L.L.C.
Description: 4(d) Rate Filing: RP 2026–10–30 FL&U and EPC Rate Adjustment to be effective 12/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5166.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–125–000.
Applicants: Mountain Valley Pipeline, LLC.
Description: 4(d) Rate Filing: Negotiated Rate Agreements—11/01/2026 to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5170.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–126–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: 4(d) Rate Filing: Negotiated Rates Various Releases—eff 11–01–26 to be effective 11/1/2026.
*Filed Date:*10/30/26.
Accession Number: 20261030–5224.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–127–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: 4(d) Rate Filing: 2026 Fuel Tracker Filing to be effective 4/1/2027.
Filed Date: 10/30/26.
Accession Number: 20261030–5233.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–128–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 4(d) Rate Filing: 10.30.26 Negotiated Rates—Mercuria Energy America, LLC H–7540–89 to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5235.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–129–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: 4(d) Rate Filing: 2026 Electric Power Cost Tracker Filing to be effective 4/1/2027.
Filed Date: 10/30/26.
Accession Number: 20261030–5259.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–130–000.
Applicants: Northern Natural Gas Company.
Description: 4(d) Rate Filing: 20261030 Negotiated Rate Filing to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5263.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–131–000.
Applicants: Equitrans, L.P.
Description: 4(d) Rate Filing: Negotiated Rate Agreement—11/01/2026 to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5275.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–132–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: 4(d) Rate Filing: Negotiated Rate Agreements to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5293.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–133–000.
Applicants: Eastern Shore Natural Gas Company.
Description: 4(d) Rate Filing: WRU Negotiated Rate Filing to be effective 12/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5296.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–134–000.
Applicants: Double E Pipeline, LLC.
Description: 4(d) Rate Filing: Negotiated Rate Agmnt. (FTS012) with Transwestern Pipeline Company, LLC to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5301.
Comment Date: 5 p.m. ET 11/12/26.

Docket Numbers: RP27–136–000.
Applicants: Texas Eastern Transmission, LP.
Description: 4(d) Rate Filing: Negotiated Rates—BUG Co Nat 911814 Releases eff 11–1–2026 to be effective 11/1/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5042.
Comment Date: 5 p.m. ET 11/16/26.

Docket Numbers: RP27–137–000.
Applicants: National Fuel Gas Supply Corporation.
Description: 4(d) Rate Filing: Negotiated Rate—Seneca Reources (Tioga Pathway Project) to be effective 11/1/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5058.
Comment Date: 5 p.m. ET 11/16/26.

Docket Numbers: RP27–138–000.
Applicants: Spire MoGas Pipeline LLC.
Description: 4(d) Rate Filing: Spire MoGas Negotiated Rate Tariff Filing to be effective 12/1/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5060.
Comment Date: 5 p.m. ET 11/16/26.
Docket Numbers: RP27–139–000.
Applicants: Texas Eastern Transmission, LP.
Description: 4(d) Rate Filing: Negotiated Rates—CON ED 910950 Releases eff 11–1–26 to be effective 11/1/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5075.
Comment Date: 5 p.m. ET 11/16/26.
Docket Numbers: RP27–140–000.
Applicants: Stallion Gas Storage LLC.
Description: 4(d) Rate Filing: Stallion Gas Storage revised tariff filing November 2 to be effective 12/2/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5098.
Comment Date: 5 p.m. ET 11/16/26.
Docket Numbers: RP27–141–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: 4(d) Rate Filing: Negotiated Rate DTE Energy eff 11–01–2026 to be effective 11/1/2026.
Filed Date: 11/2/26.
Accession Number: 20261102–5132.
Comment Date: 5 p.m. ET 11/16/26.

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: RP24–333–005.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Compliance filing: Cost-Revenue Study Docket No. RP24–333–005 to be effective N/A.
Filed Date: 11/2/26.
Accession Number: 20261102–5082.
Comment Date: 5 p.m. ET 11/16/26.
Docket Numbers: RP26–797–006.
Applicants: National Fuel Gas Supply Corporation.
Description: Compliance filing: RP26–797 Motion in Rates (Nov 1) to be effective 11/1/2026.
Filed Date: 10/30/26.
Accession Number: 20261030–5253.
Comment Date: 5 p.m. ET 11/12/26.

Any person desiring to protest in any 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: November 2, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–22578 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–581–000]

Natural Gas Pipeline Company of America, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Amarillo Expansion 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 Amarillo Expansion Project involving construction and operation of facilities by Natural Gas Pipeline Company of America, LLC (Natural) in Moore and Deaf Smith counties, Texas. 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 December 2, 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 17, 2026, you will need to file those comments in Docket No. CP26–581–000 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 handle eminent domain cases; the Commission has no jurisdiction over these matters.

Natural 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 (CP26–581–000) 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

Natural proposes to construct and operate one new compressor station and delivery point. The Amarillo Expansion Project would provide about 550,000 dekatherms per day (Dth/day) of firm transportation capacity comprised of 228,800 dth/day of reserved unsubscribed capacity and an additional increase of 321,200 Dth/day. According to Natural, its project would deliver natural gas to a new gas-fired electric generation facility to provide power to a planned data center in Deaf Smith County, Texas.

The Amarillo Expansion Project would consist of the following facilities:

- One new compressor station (CS 112) including:
  - four 5,500 ISO horsepower compressor units;
  - one compressor building;
  - one auxiliary building; and
  - associated valves and pipes to interconnect with the existing mainline and other station piping
- A delivery point with a 24-inch tap assembly and electric gas measurement equipment.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 56 acres of land for the aboveground facilities and the pipeline. Following construction, Natural would maintain about 8.4 acres for permanent operation of the project's facilities; the remaining acreage would be restored. The land for the new CS 112 is within the boundaries of a former compressor station that was abandoned and removed and is owned in fee by Natural. The delivery point facilities would be located adjacent to existing pipeline, utility, or road rights-of-way.

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;
- land use;
- 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 [2] and the Commission's natural gas environmental documents web page

[1] 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.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

(*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.[3] 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.[4] 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 CP26–581–000 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 2).

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: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22608 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

[3] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[4] 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.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–43–000]

Commission Information Collection Activities (FERC–725R); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the extension of the information collection FERC–725R (OMB# 1902–0268) Mandatory Reliability Standards for the Bulk-Power System: BAL Reliability Standards.

DATES: Comments on the collection of information are due January 4, 2027.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC26–43–000) by one of the following methods:

Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–43–000) and the FERC Information Collection number (FERC–725R) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Contact Kayla Williams at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725R, Mandatory Reliability Standards for the Bulk-Power System: BAL Reliability Standards.

OMB Control No.: 1902–0268.

Type of Request: OMB renewal of the FERC–725R information collection requirements, with no changes to the requirements.

Abstract: The FERC 725R information collection includes four reliability standards.

- BAL–001–2, Real Power Balancing Control Performance; (effective July 1, 2016)
- BAL–002–3, Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event; (effective April 1, 2019)
- BAL–003–2, Frequency Response and Frequency Bias Setting; (effective December 1, 2020)
- BAL–005–1, Balancing Authority Control. (effective January 1, 2019)

On August 8, 2005, Congress enacted into law the Electricity Modernization

Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005).[1] EPAct 2005 added a new section 215 to the Federal Power Act (FPA), which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, any Reliability Standard may be enforced by the ERO subject to Commission oversight, or the Commission may independently enforce Reliability Standards.[2]

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.[3] Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO.[4] The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

Types of Respondents: Balancing authorities and a Frequency Response Sharing Group (FRSG).

Estimate of Annual Burden:[5] The estimated burdens of the FERC 725R include the Reliability Standards: BAL–001–2, BAL–002–3, BAL–003–2, and BAL–005–1.[6]

The requirements for each Reliability Standard go as follows:

BAL–001–2: Real Power Balancing Control Performance. Reliability Standard BAL–001–2 is designed to ensure that applicable entities balance generation and load by maintaining system frequency within narrow bounds around a scheduled value, and it improves reliability by adding a frequency component to the measurement of a Balancing Authority's Area Control Error (ACE).[7]

BAL–002–3: Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event. This standard ensures that a responsible entity, either a balancing authority or reserve sharing group, can recover from system contingencies by deploying adequate reserves to return their Area Control Error to defined values and replacing the capacity and energy lost due to generation or transmission equipment outages.

BAL–003–2: Frequency Response and Frequency Bias Setting. This standard requires sufficient Frequency Response from the Balancing Authority (BA) to maintain Interconnection Frequency within predefined bounds by arresting frequency deviations and supporting frequency until the frequency is restored.

BAL–005–1: Balancing Authority Control. This standard establishes requirements for acquiring data necessary to calculate Reporting Area Control Error (Reporting ACE). The standard also specifies a minimum periodicity, accuracy, and availability requirement for acquisition of the data and for providing the information to the System Operator. It requires balancing authorities to maintain minimum levels of annual availability of 99.5% for each balancing authority system for calculating Reporting ACE.

Our estimates are based on the NERC Compliance Registry as of July 21, 2026, which indicates that there are for unique US only 97 registered balancing authorities, 6 registered reserve sharing group (RSG) and 1 frequency response sharing group (FRSG).

Estimates for the average annual burden and cost[8] follow.

FERC–725R—BAL–001–2

[Real Power Balancing Control Performance]

Function	Number & type of respondents	Number of annual responses per respondent	Total No. of annual responses	Average burden hours & cost ($) per response	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) × (2) = (3)	(4)	(3) × (4) = (5) rounded	(5) ÷ (1)
Annual Reporting and Recordkeeping	97 (BA)	1	97	12 hrs.; $1,000.68	1,164 hrs.; $97,066.	$1,000.68
TOTAL for FERC–725R BAL–001–2			97		1,164 hrs.; $97,066.	

[1] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (codified at 16 U.S.C. 824*o*).

[2] 16 U.S.C. 824*o*(e)(3).

[3] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g,* Order No. 672–A, FERC Stats. & Regs. ¶ 31,212 (2006).

[4] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *order on compliance,* 118 FERC ¶ 61,190, *order on reh'g,* 119 FERC ¶ 61,046 (2007), *aff'd sub nom. Alcoa Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[5] Burden is defined as the total time, effort, or financial resources expended by people to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[6] The Reliability Standard BAL–007–1.1 (Near-Term Energy Reliability Assessments) will become in April 2027 and be included in the future 725R renewals.

[7] Area Control Error is the ''instantaneous difference between a Balancing Authority's net actual and scheduled interchange, taking into accounts the effects of Frequency Bias, correction for meter error, and Automatic Time Error Correction (ATEC), if operating in the ATEC mode. ATEC is only applicable to Balancing Authorities in the Western Interconnection.'' NERC Glossary.

[8] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the BLS website, Occupational Employment and Wage Statistics—source for hourly wages: 75% of the average of an Electrical Engineer (17–2071) $92.32/hr., × .75 = $69.24 ($69.24/hour); and 25% of an Information and Record Clerk (43–4199) $56.60/hr., $56.60 × .25 = $14.15 ($14.15/hour), for a total ($69.24/hour + $14.15/hour = $83.39/hour).

[9] Allotting 10 hours for balancing authorities and the FRSG to compile the information on candidate events, (*the information is automatically generated from computer databases. However, time is allotted to compile, verify, and review the information.*) Multiplied by 28 events per balancing authority (or FRSG) per year yields 280 hours per year per balancing authority as the regulatory burden for compliance. (*Assuming an average of between 20 and 35 events per year would result in average of 27.5 responses, rounded to 28.*) as approved in Docket No. RD20–9–000. Procedure for ERO Support of Frequency Response and Frequency Bas Setting Standard Clean Version, is the source material for reviewing frequency events information.

FERC–725R—BAL–002–3

[Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event]

Function	Number & type of respondents (1)	Number of annual responses per respondent (2)	Total No. of annual responses (1) × (2) = (3)	Average burden hours & cost ($) per response (4)	Total annual burden hours & total annual cost ($) (3) × (4) = (5) Rounded	Cost per respondent ($) (5) ÷ (1)
Annual Reporting and Recordkeeping	97 (BA)	1	97	12 hrs.; $1,000.68	1,164 hrs.; $97,066.	$1,000.68
	6 (RSG)	1	6	12 hrs.; $1,000.68	72 hrs.; $6,004	$1,000.68
TOTAL for FERC–725R BAL–002–3			103		1,236 hrs.; $103,070.	

FERC–725R—BAL–003–2

[Frequency Response and Frequency Bias Setting]

Function	Number & type of respondents (1)	Number of annual responses per respondent [9] (2)	Total No. of annual responses (1) × (2) = (3)	Average burden hours & cost ($) per response (4)	Total annual burden hours & total annual cost ($) (3) × (4) = (5) rounded	Cost per respondent ($) (5) ÷ (1)
Annual Reporting and Recordkeeping	97 (BA)	28	2,716	10 hrs.; $833.90	27,160 hrs.; $2,264,873.	$23,349.20
1 (FRSG)	28	28	10 hrs.; $833.90	280 hrs.; $23,349	$23,349.20.	
TOTAL for FERC–725R BAL–003–2			2744		27,440 hrs.; $2,288,222.	

FERC–725R—BAL–005–1

[Balancing Authority Control]

Function	Number & type of respondents (1)	Number of annual responses per respondent (2)	Total No. of annual responses (1) × (2) = (3)	Average burden hours & cost ($) per response (4)	Total annual burden hours & total annual cost($) (3) × (4) = (5) rounded.	Cost per respondent ($) (5) ÷ (1)
Annual Reporting and Recordkeeping.	97 (BA)	1	97	1 hr.; $83.39	97 hrs.; $8,089	$83.39
TOTAL for FERC–725R BAL–005–1.			97		97 hrs.; $8,089	

	Standard	Total No. of annual responses	Total annual burden hours & total annual cost ($) rounded
Total annual reporting and recordkeeping for 725R	BAL–001–2	97	1,164 hrs.; $97,066
	≤BAL–002–3	103	1,236 hrs.; $103,070
	BAL–003–2	2744	27,440 hrs.; $2,288,222
	BAL–005–1	97	97 hrs.; $8,089
	Total FERC 725R	3,041	29,937 hrs.; $2,496,446

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: November 2, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–22607 Filed 11–4–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13494–01–OFA]

Cross-Media Electronic Reporting: Announcement of Determination To Approve Authorized Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Environmental Protection Agency's (EPA) approval of requests to revise/modify EPA-authorized programs to allow electronic reporting from:

- Connecticut Department of Energy and Environmental Protection (CT DEEP)
- Florida Department of Environmental Protection (FDEP)
- Louisiana Department of Environmental Quality (LADEQ)
- Texas Commission on Environmental Quality (TCEQ)

FOR FURTHER INFORMATION CONTACT: Dorothy Slaughter, U.S. Environmental Protection Agency, telephone number: (919) 541–2176; email address: *slaughter.dorothy@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848, October 13, 2005) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that State, Tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the State, Tribe, or local government will use to implement electronic reporting. Additionally, section 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting to be used at the option of the State, Tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the State, Tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

In accordance with 40 CFR 3.1000(d), this **Federal Register** notice announces EPA's determination that applications from the listed State and local governing bodies to revise/modify their EPA-authorized programs to allow electronic reporting under 40 CFR met the standards for approval under 40 CFR part 3, subpart D.

Also, in this notice, EPA is informing interested persons that they may request a public hearing on any of these approvals of requests to revise authorized public water system programs under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of this **Federal Register** notice. Such requests should include the following information:

(1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, which approval should receive a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request; and

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming the determination or rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the requests to revise part 142—National Primary Drinking Water Regulations Implementation programs to allow electronic reporting will remain effective, pursuant to CROMERR section 3.1000(f)(4).

TABLE 1—APPLICATIONS APPROVED UNDER 40 CFR PART 3, SUBPART D

Requestor	System/tool	Permission granted for programs under
Connecticut Department of Energy and Environmental Protection (CT DEEP).	Salesforce Stormwater Industrial Permit (SIP).	• *Part 60:* Standards of Performance for New Stationary Sources (New Source Performance Standards/Consolidated Federal Air Rule/Clean Air Act Title III). • Reporting under CFR 60 and 65. • *Part 62:* Approval and Promulgation of State Plans for Designated Facilities and Pollutants (NSPS/Clean Air Act Title III—Hospital/Medical) Reporting under CFR 60 and 65. • *Part 63:* National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories (NESHAP—Maximum Achievable Control Technology/Clean Air Act Title III) Reporting under CFR 61, 63 and 65. • *Part 70:* State Operating Permit Programs (Clean Air Act Title V) Reporting under CFR 70. • *Part 123:* EPA-Administered Permit Programs: The National Pollutant Discharge Elimination System (NPDES) Reporting under CFR 122 and 125. • *Part 142:* National Primary Drinking Water Regulations Implementation (NPDWR) Reporting under CFR 141. • *Part 145:* State Underground Injection Control Programs (UIC) Reporting under CFR 144 and 146.

TABLE 1—APPLICATIONS APPROVED UNDER 40 CFR PART 3, SUBPART D—Continued

Requestor	System/tool	Permission granted for programs under
Florida Department of Environmental Protection (FDEP).	Compliance Monitoring Data Portal (CMDP).	• *Part 403:* General Pretreatment Regulations for Existing and New Sources of Pollution Reporting under CFR 403–471. • *Part 271:* Requirements for Authorization of State Hazardous Waste Programs (RCRA Subtitle C) Reporting under CFR 260–270, 272–279. • *Part 281:* Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST) Reporting under CFR 280. • *Part 162:* State Registration of Pesticide Products Reporting under CFR 162–169. • *Part 300:* National Oil and Hazardous Substances Pollution Contingency Plan Reporting under CFR 300. • *Part 142:* National Primary Drinking Water Regulations Implementation (NPDWR) Reporting under CFR 141.
Louisiana Department of Environmental Quality (LADEQ).	Regulatory Services Portal	• *Part 63:* National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP MACT/Clean Air Act Title III) Reporting under CFR 61, 63 and 65. • *Part 70:* State Operating Permit Programs (Clean Air Act Title V) Reporting under CFR 70. • *Part 123:* EPA-Administered Permit Programs: The National Pollutant Discharge Elimination System (NPDES) Reporting under 40 CFR 122 and 125. • *Part 142:* National Primary Drinking Water Regulations Implementation (NPDWR) Reporting under CFR 141. • *Part 403:* General Pretreatment Regulations for Existing and New Sources of Pollution Reporting under CFR 403–471. • *Part 239:* Requirements for State Permit Program Determination of Adequacy (RCRA Subtitle C) Reporting under CFR 240–259. • *Part 271:* Requirements for Authorization of State Hazardous Waste Programs (RCRA Subtitle C) Reporting under CFR 260–270, 272–279. • *Part 281:* Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST) Reporting under CFR 280. • *Part 763:* Asbestos Reporting under CFR 763.
Texas Commission on Environmental Quality (TCEQ).	Compliance Monitoring Data Portal (CMDP).	• *Part 142:* National Primary Drinking Water Regulations Implementation (NPDWR) Reporting under CFR 141.

Willie Abney,

Deputy Director, Cybersecurity, Privacy & Risk Management Division (CPRMD).

[FR Doc. 2026–22546 Filed 11–4–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL- 13687–01–AO]

Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) on Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Branch is announcing a public meeting of the Clean Air Scientific Advisory Committee (CASAC). A virtual meeting will be held for CASAC to receive a briefing from EPA on the Policy Assessment (PA) for Lead.

DATES: The public virtual meeting will be held on Thursday, November 19, 2026, from 1 p.m. to 4 p.m. Eastern Time.

ADDRESSES: The meeting will be conducted virtually. Registration will be required to participate in the meeting. To register, please visit the CASAC website: *https://casac.epa.gov* and click on the November 19, 2026, meeting or visit: *https://usepa.zoomgov.com/webinar/register/WN_zzdvcIvcQ4mggtdnWtkAAA.*

FOR FURTHER INFORMATION CONTACT: For further information concerning this Notice, please contact Aaron Yeow, Designated Federal Officer (DFO), via telephone at (202) 564–2050, or email at yeow.aaron@*epa.gov.* General information about the CASAC, as well as any updates concerning the meeting announced in this document, can be found on the CASAC website at *https://casac.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria as may and NAAQS as be appropriate. The CASAC shall also: advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including lead.

The CASAC is a federal advisory committee chartered under the Federal

Advisory Committee Act (FACA), 5 U.S.C. chapter 10, and conducts business in accordance with FACA and related regulations. The CASAC will comply with the provisions of FACA and all appropriate SAB Branch procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the CASAC will hold a public meeting to receive a briefing from EPA on the Policy Assessment for Lead.

Availability of meeting materials: All meeting materials, including the agenda, will be available on the CASAC web page at *https://casac.epa.gov.*

Procedures for providing public input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for the CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comments should follow the instructions below to submit comments.

Oral statements: Oral public comments will not take place during this meeting, as this meeting will function solely as a virtual briefing from EPA. Oral public comments will take place during the peer review meeting, which is still to be announced. Instructions for providing oral comments at the peer review meeting will be provided in the notice for the peer review meeting.

Written statements: Written statements will be accepted throughout the advisory process. Written statements should be supplied by email to the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section. Submitters are requested to provide an unsigned version of each document because the SAB Branch does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without the explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section; at least ten business days before the meetings, to give the EPA as much time as possible to process your request.

V. Khanna Johnston,

Chief, Science Advisory Board Branch.

[FR Doc. 2026–22547 Filed 11–4–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2026–9242; FRL–13676–01–OGC]

Proposed Consent Decree

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Clean Air Act, as amended (CAA or the Act), notice is given of a proposed consent decree in *Little Manila Rising, et al.* v. *U.S. EPA, et al., N.D. Cal. No. 3:26–cv–04106–MMC.* On May 5, 2026, Plaintiffs Little Manila Rising, Medical Advocates for Healthy Air, and Sierra Club filed a complaint in the United States District Court, Northern District of California, San Francisco Division, alleging that the Environmental Protection Agency (EPA) failed to perform a nondiscretionary duty in accordance with the Act to take final action on a state implementation plan (SIP) revision submitted by the State of California pertaining to the San Joaquin Valley Unified Air Pollution Control District's attainment plan for the 2012 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS). The EPA is providing notice of this proposed consent decree, which would resolve all claims in the case by establishing a deadline for the EPA to take final action as specified in the decree.

DATES: Written comments on the proposed consent decree must be received by December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2026–9242, online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Douglas Bushey, Region IX, Office of Regional Counsel, U.S. Environmental Protection Agency; telephone number: (415) 972–3566; email address: *bushey.douglas@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2026–9242) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decree

The proposed consent decree would establish a deadline of May 28, 2027, for the EPA to take final action on the submission of the San Joaquin Valley Unified Air Pollution Control District 2024 Plan for the 2012 annual $PM_{2.5}$ NAAQS. The proposed consent decree would require the EPA, within 15 business days of signature, to send the required notice of final rulemaking to the Office of the Federal Register for review and publication in the **Federal Register**.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this

document, the Agency will accept written comments relating to the proposed consent decree. The EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2026–9242, via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2026–22548 Filed 11–4–26; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Meeting for the 2026–2027 EXIM Advisory Committee

TIME AND DATE: Thursday, November 19th, 2026 at 2:00 p.m.–3:00 p.m. EST.

PLACE:

Virtual: The meeting will be held online for committee members, EXIM's Board of Directors, support staff. All other participants must register to attend virtually.

REGISTRATION AND PUBLIC COMMENT:

Virtual Public Participation: The meeting will be open to public participation virtually and time will be allotted for questions or comments submitted online. Members of the public may also file written statements before or after the meeting to *advisory@exim.gov.*

Interested parties may register for the meetings at:

Advisory Committee: https://events.teams.microsoft.com/event/fef476d9-3adc-4d00-abe8-356c1fbc5436@b953013c-c791-4d32-996f-518390854527.

MATTERS TO BE CONSIDERED: Discussion of EXIM policies and programs designed to support the expansion of financing support for U.S. manufactured goods and services.

CONTACT PERSON FOR MORE INFORMATION: For more information about applying for membership to any of the committees, please contact India Walker at *advisory@exim.gov.*

Authority: The Committee was established by the Bank as directed by Section 2(b)(9) of the Export Import Bank Act of 1945. These Advisory Committees are chartered in accordance with the Federal Advisory Committee Act (''FACA''), 5 U.S.C. App.

India Walker,

Deputy Vice President, Office of External Affairs.

[FR Doc. 2026–22552 Filed 11–4–26; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0991, OMB 3060–1171; FR ID 375376]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before December 7, 2026.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the

information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0991.

Title: AM Measurement Data.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,800 respondents; 3,135 responses.

Estimated Hours per Response: 0.50–25 hours.

Frequency of Response: Recordkeeping requirement, Third party disclosure requirement, On occasion reporting requirement.

Total Annual Burden: 20,200 hours.

Total Annual Cost: $1,131,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 151, 152, 154(i), 303, and 307 of the Communications Act of 1934, as amended.

Needs and Uses: In order to control interference between stations and assure adequate community coverage, AM stations must conduct various engineering measurements to demonstrate that the antenna system operates as authorized. The data is used by station engineers to correct the operating parameters of the antenna. The data is also used by FCC staff in field investigations to ensure that stations are in compliance with the technical requirements of the Commission's various rules.

OMB Control Number: 3060–1171.

Title: Commercial Advertisement Loudness Mitigation (''CALM'') Act; 73.682(e) and 76.607(a).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2,937 respondents and 4,868 responses.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Estimated Time per Response: 0.25–80 hours.

Total Annual Burden: 6,036 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154(i) and (j), 303(r) and 621.

Needs and Uses: The Commission will use this information to determine compliance with the CALM Act. The CALM Act mandates that the Commission make the Advanced Television Systems Committee (''ATSC'') A/85 Recommended Practice mandatory for all commercial TV stations and cable/multichannel video programming distributors (MVPDs).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–22574 Filed 11–4–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1202; FR ID 375619]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before January 4, 2027. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1202.

Title: Facilitating Implementation of Next Generation 911 Services (NG911); Improving 9–1–1 Reliability.

Form Number: N/A—electronic submissions.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; State, Local or Tribal Government entities.

Number of Respondents and Responses: 961 respondents; 1,533 responses.

Estimated Time per Response: 1–317 hours (varies by respondent).

Frequency of Response: One-time reporting requirements; On occasion reporting requirements; On occasion third-party notice requirements.

Obligation to Respond: Mandatory. The statutory authority for this collection of information is provided by sections 1, 2, 4(i), 201, 214, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 225, 251(e), 301, 303, 316, 332, and by the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, as amended, 47 U.S.C. 615 note, 615, 615a, 615a–1, and 615b, and by section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c.

Total Annual Burden: 108,418 hours.

Total Annual Cost: No Cost.

Needs and Uses: This is a revision of an information collection necessary to ensure that all Americans have access to reliable and resilient 911 communications. The Commission's *2026 Order* revises its regulations governing this collection, which the FCC originally adopted in 2013. The *2026 Order* modernizes the rules for internet Protocol (IP)-based Next Generation 911 (NG911) systems, and streamlined this collection by eliminating the annual certification 911 reliability certification requirement for Covered 911 Service Providers (CSPs), replacing it with an initial certification to be filed once, followed by updates only for substantiative material changes which render the prior certification inaccurate. The *2026 Order* also adopts IP-specific reliability best practice benchmarks that are appropriate in NG911 environments, clarifies the categories of IP-based Covered 911 Service Providers (CSPs) whose operations are essential to 911 call routing and delivery in NG911 systems, and requires reporting on progress towards interoperability of NG911 systems. The *2026 Order* also ensures that state governments responsible for 911 systems have access to portions of these certifications and reports relevant to their jurisdictions. The *2026 Order* requires new CSPs covered for the first time by the 2026 rules to file a one-time attestation so indicating. Under this collection, CSPs are also required to notify the Commission in writing within 60 days after they stop providing all CSP services.

In their 911 reliability certifications, CSPs must indicate whether they have implemented certain industry-backed reliability best practices specified in the rules. If they have, the CSP will be deemed to satisfy the reasonable reliability requirement in the rules. If a CSP has not implemented those best practices, it must provide a brief explanation of what alternative measures it has taken to ensure reliable 911 service and why those measures are reasonable, or otherwise indicate it has taken no measures, or the reliability requirements are not applicable. No CSP needs to file these certifications until 18 months after the Commission releases a Public Notice announcing that OMB has approved this information collection.

The information will be collected by the FCC's Public Safety and Homeland Security Bureau (Bureau) to verify that covered 911 service providers are taking reasonable measures to maintain reliable 911 service or achieve interoperability. The Commission delegated authority to the Bureau to review the submitted reliability and interoperability information and follow up with providers as appropriate. In certain cases, based on a review of the information submitted, the Bureau may require remedial action to correct vulnerabilities in a CSP's 911 network if it determines that the provider has not adhered to the reliability best practices incorporated in the FCC's rules, and/or the alternative reliability measures were not reasonably sufficient to mitigate the associated risks of failure in these key areas.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–22573 Filed 11–4–26; 8:45 am]

BILLING CODE 6712–01–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)).

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 December 7, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Pinnacle Bancorp, Inc., Omaha, Nebraska;* to merge with Southern Bancshares, Inc., Houston, Texas, and thereby indirectly acquire Southstar Bank, S.S.B., Moulton, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–22599 Filed 11–4–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10887]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 4, 2027.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: _____ OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The Medicare Advantage and Prescription Drug Programs: Part C and Part D Medicare Advantage Prescription Drug (MARx) System Updates for the Medicare Prescription Payment Plan Program; *Use:* To effectively monitor the program, Part D plans are required to report data elements related to the program at the beneficiary, contract, and Plan Benefit Package (PBP) levels beginning in Contract Year (CY) 2025. In this information collection package, CMS addresses the requirement for Part D plans to submit beneficiary-level data elements into the MARx system via a program-specific transaction (separate from the enrollment file). In accordance with the Plan Communication User Guide (PCUG), plans may submit multiple transaction files during any CMS business day, Monday through Friday. Plan transactions are processed as received; there is no minimum or maximum limit to the number of files that Plans may submit in a day. In general, transaction and processing occur throughout the Current Calendar Month (CCM). *Form Number:* CMS–10887 (OMB control number: 0938–1468); *Frequency:* Monthly; *Affected Public:* Private sector (Business or other for-profits), Federal Government, Not for profits institutions; *Number of Respondents:* 1,005; *Total Annual Responses:* 1,200,000; *Total Annual Hours:* 4.8. (For policy questions regarding this collection contact Deven Gosalia at (410) 786–8624.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–22612 Filed 11–4–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10302, CMS–10346 and CMS–10105]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use

of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *December 7, 2026.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collections

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Collection Requirements for Compendia for Determination of Medically-accepted Indications for Off-label Uses of Drugs and Biologicals in an Anti-cancer Chemotherapeutic Regimen; *Use:* Section 182(b) of the Medicare Improvement of Patients and Providers Act (MIPPA) amended section 1861(t)(2)(B) of the Social Security Act (42 U.S.C. 1395x(t)(2)(B)) by adding at the end the following new sentence: 'On and after January 1, 2010, no compendia may be included on the list of compendia under this subparagraph unless the compendia has a publicly transparent process for evaluating therapies and for identifying potential conflicts of interest.' CMS implemented this statutory provision that compendia have a ''publicly transparent process for evaluating therapies and for identifying potential conflicts of interests'' by amending 42 CFR 414.930 to include the MIPPA requirements and by defining the key components of publicly transparent processes for evaluating therapies and for identifying potential conflicts of interests.

All compendia were required to comply with these provisions as of January 1, 2010, to remain on the list of recognized compendia. In addition, any compendium that is the subject of a future request for inclusion on the list of recognized compendia will be required to comply with these provisions. No compendium can be on the list if it does not fully meet the standard described in section 1861(t)(2)(B) of the Act, as revised by section 182(b) of the MIPPA. *Form Number:* CMS–10302 (OMB control number: 0938–1078); *Frequency:* Annually; *Affected Public:* Business and other for-profits and Not-for-profit institutions; *Number of Respondents:* 845; *Total Annual Responses:* 900; *Total Annual Hours:* 5,135. (For policy questions regarding this collection contact Sarah Fulton at 410–786–2749.)

2. *Type of Information Collection Request:* Extension with change of a currently approved collection; *Title of Information Collection:* Quality Bonus Payment Appeals; Use: Sections 1853(n) and 1853(o) of the Social Security Act (the Act) require CMS to make Quality Bonus Payments (QBPs) to MA organizations that achieve at least 4 stars in a 5-star quality rating system. In addition, section 1854(b)(1)(C) of the Act ties the share of savings that MA organizations must provide to enrollees as the beneficiary rebate to the level of an MA organization's QBP rating. The administrative review process for an MA contract to appeal their QBP status is laid out at § 422.260(c). §§ 422.260(c)(1) and (2) describe a two-step administrative review process that includes a request for reconsideration and a request for an informal hearing on the record, and § 422.260(c)(3) describes limits to requesting an administrative review. Historically, every November CMS has released the preliminary QBP ratings for MA contracts to review their ratings and to submit an appeal request under § 422.260(c) if they believe there is a calculation error or incorrect data are used. Each MA organization continues to be afforded the right to request an administrative review of CMS's determination concerning the organization's qualification for a QBP. *Form Number:* CMS–10346 (OMB control number: 0938–1129); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 20; *Total Annual Responses:* 20; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Joy Binion at 410–786–5004.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The In-Center Hemodialysis Consumer Assessment of Healthcare Providers and Systems Survey Mode Experiment; *Use:* The national implementation of the ICH CAHPS Survey is designed to allow third-party, CMS-approved survey vendors to administer the ICH CAHPS Survey using mail-only, telephone-only, or mixed (mail with telephone follow-up) modes of survey administration. Experience from previous CAHPS surveys shows that mail, telephone, and mail with telephone follow-up data collection modes work well for respondents, vendors, and health care providers. Any additional forms of information technology, such as web surveys, is under investigation as a potential survey option in this population. *Form Number:* CMS–10105 (OMB control number: 0938–0926); *Frequency:* Yearly; *Affected Public:* Individuals and Households; *Number of Respondents:* 211,770; *Total Annual Responses:* 211,770; *Total Annual Hours:* 42,269. (For policy questions regarding this collection contact Lauren Popham at 410–786–8568.)

William N. Parham, III

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–22611 Filed 11–4–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Sexual Risk Avoidance Education National Evaluation Impact Study of Co-Regulation Facilitation Strategies in Sexual Risk Avoidance Education Programs

AGENCY: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Planning, Research and Evaluation (OPRE) and the Family and Youth Services Bureau (FYSB) in the Administration for Children and Families (ACF) are proposing to collect data for the new Sexual Risk Avoidance Education (SRAE) National Evaluation Impact Study of Co-Regulation Facilitation Strategies in SRAE programs.

DATES: Comments due December 7, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr*= [ICR Ref No.]. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Sexual Risk Avoidance Education National Evaluation Impact Study of Co-Regulation Facilitation Strategies in SRAE programs will collect impact and implementation data to test the impact of training and coaching facilitators to use co-regulation strategies while delivering a commonly used SRAE program. The implementation study data will describe the facilitators' use of the co-regulation strategies and the connection to youth experiences in the SRAE program. The impact study will assess data about study participants, which the study team will use to estimate the impact of the co-regulation training and coaching on facilitators and youth outcomes. This new information collection request includes a youth survey for the impact study, which will be used to collect data from youth in participating sites two times: (1) before programming (pre-survey) and (2) immediately after completion of the SRAE program (immediate post-survey). It also includes youth exit tickets administered after up to six SRAE program lessons, a semi-structured facilitator interview protocol administered on average three times, and facilitator logs completed six times. The study will also analyze data from SRAE performance measures entry and exit participant surveys (Office of Management and Budget #: 0970–0536). Together, these instruments will provide information on the effectiveness of the delivery of the SRAE program. The data will be used to add to the evidence base of SRAE programming to inform SRAE grant recipients' implementation and program improvement efforts, aligned with SRAE legislation that calls for a national evaluation of the program.

Note: Draft versions of this information collection were previously available for public comment (89 FR 105050, 90 FR 23530) as part of a separate request. This comment period and submission request are specific to the SRAE National Evaluation Impact Study of Co-Regulation Facilitation Strategies in SRAE programs, for which the drafts previously available for public comment have been tailored.

Respondents: The youth survey and youth exit tickets will collect outcome data from youth program participants. The facilitator interview protocol and facilitators logs will collect implementation data collection from program staff.

Annual Burden Estimates

The youth survey has been tailored to only take 8 minutes, as opposed to the original estimate for the draft version of 30 minutes. The draft facilitator logs were estimated to take 4 minutes per response, while the tailored versions are estimated at 2 minutes per response. Additionally, the estimated number of times a respondent will be asked to complete an activity has been reduced to ensure the collection is as least burdensome to respondents as possible while still providing utility to the government.

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
1. Youth Survey	713	2	0.13	185.4	61.8
2: Youth Exit Tickets	713	6	0.05	213.9	71.3
3: Facilitator Interview Protocol	20	3	0.33	19.8	6.6
4: Facilitator Logs	20	6	0.03	3.6	1.2
Total Annual Burden					140.9

Authority: 42 U.S.C. 710.

Samantha L. Illangasekare,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–22551 Filed 11–4–26; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0278]

Expedited Office of Management and Budget Review and Public Comment: Unaccompanied Alien Children Sponsor Application Packet

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), Department of Health and Human Services, requests expedited review, from the Office of Management and Budget (OMB), of an information collection from ORR and invites public comments on the proposed collection. This information collection ensures that ORR obtains and documents critical information needed to assess sponsor suitability, identify potential safety risks, and support the safe and timely release of unaccompanied alien children to suitable sponsors.

DATES: Comments due January 4, 2027.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act (PRA), ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov*. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF is requesting that OMB grant 180-days of approval for this request under procedures for expedited processing (*see* 5 CFR 1320.13). In compliance with PRA, ACF will request review under normal procedures within 180 days of approval for this request. Any edits resulting from public comment will be incorporated into the submission under normal procedures.

ORR proposes to revise two existing instruments to align their PDF and digital versions, improve question organization and instructions, and present related conditional follow-up questions within the primary application forms. Selected information is already requested through the Sponsor Assessment (Form S–5), Affidavit of Support (Form SAP–8), Home Study Assessment (S–6), and existing application instructions. The approved respondent burden remains unchanged.

These instruments support implementation of ORR's Foundational Rule, 45 CFR part 410. Under 45 CFR 410.1202(a) and (b), prospective sponsors must complete an application package, and ORR must assess whether a prospective sponsor can provide for the child's physical and mental well-being before releasing the child.

1. Authorization for Release of Information (Form SAP–2): This instrument obtains authorization and identifying information used to conduct background checks and support sponsor suitability assessments. The revisions reorganize identity, contact, and address-history information; clarify instructions; and add structured prompts concerning current and past living arrangements.

2. Sponsor Application (Form SAP–3): This instrument collects information used to assess prospective sponsors and support the safe release of children. The revisions organize income, employment, and prior-sponsorship information; clarify household and alternative-caregiver questions; and add structured follow-up fields and identity-verification photograph requirements.

Respondents: ORR grantee and contractor staff; other

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Authorization for Release of Information (Form SAP–2) ...	183,588	1	0.50	91,794	91,794
Sponsor Application (Form SAP–3)	76,569	1	1.50	114,854	114,854
Estimated Total Annual Burden Hours	.....	.....	.....	.....	206,648

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: U.S.C. 279; 8 U.S.C. 1232; 44 U.S.C. 3507(j); 45 CFR 410.1202 and 5 CFR 1320.13.

Samantha L. Illangasekare,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–22610 Filed 11–4–26; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0342]

Proposed Information Collection Activity; Information Comparison With Insurance Data

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), is

requesting Office of Management and Budget (OMB) approval of the Information Comparison with Insurance Data (OMB #0970–0342, expiration January 31, 2027) for an additional 3 years. OCSE revised the Insurance Match Implementation Guide and reduced the burden by 43.25 percent.

DATES: Comments due January 4, 2027.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov*. Identify all by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Deficit Reduction Act of 2005 amended section 452 of the Social Security Act to authorize the Health and Human Services Secretary, through the Federal Parent Locator Service, to conduct comparisons of information concerning individuals owing past-due child support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments. OCSE sends the daily results of the insurance data match in an Insurance Match Response Record to child support agencies, that use the insurance data matches to collect past-due support from the insurance proceeds. OCSE incorporated a separate burden calculation for respondents opting to use electronic quarterly reporting.

On December 19, 2025, ACF published a notice in the **Federal Register** Volume 90, Number 242, Page 59525 to announce that the Office of Child Support Services (OCSS) is now OCSE. Any reference to OCSS is changed to OCSE in the collection instruments. Further, OCSE revised the Insurance Match Implementation Guide to include additional guidance for connectivity, remove obsolete text, and add an additional field in the Debtor File Layout.

Respondents: Insurers or their agents, including the U.S. Department of Labor and state agencies administering workers' compensation programs, and the Insurance Services Office.

Annual Burden Estimates: The burden estimates were updated to reflect current estimates for the respondents and responses over the next 3 years. The burden reduction is attributable to the large reduction in the number of insurers manually reporting daily through the Insurance Match Debt Inquiry application. The total number decreased from 150 to 65. The prior burden was 3,090.86 hours, the current burden is 1,754.09 hours, and this amounts to a burden reduction of 1,336.77 hours, or 43.25 percent.

Information collection instrument	Total annual number of respondents	Total annual number of responses per respondent	Average annual burden hours per response	Total annual burden hours
Insurance Match File: Quarterly Reporting Electronically	2	4	0.083	0.66
Insurance Match File: Monthly Reporting Electronically	25	12	0.083	24.90
Insurance Match File: Weekly Reporting Electronically	8	52	0.083	34.53
Insurance Match File: Daily Reporting Electronically	3	251	0.083	62.50
Insurance Match File: Daily Reporting Manually	65	251	0.1	1,631.50

Estimated Total Annual Burden Hours: 1,754.09.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

(Authority: 42 U.S.C. 652(a)(9), 42 U.S.C. 653(a)(1), and 42 U.S.C. 652(m).)

Samantha L. Illangasekare,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–22557 Filed 11–4–26; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the charter for the National Toxicology Program Advisory Committee (NTPAC) is being renewed for an additional two-year period on November 14, 2026.

It is determined that the NTPAC is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

The Public Interest Determination follows:

National Institutes of Health

National Toxicology Program Advisory Committee

Public Interest Determination

Pursuant to 41 U.S.C. 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 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. *Annual budget:* The estimated annual costs for operating the Committee include the following:

a. *Federal personnel (based on full-time equivalent (FTE) usage basis) and other Federal internal costs:* The estimated annual person-years of staff support required 0.3 at an estimated cost of $56,927.

b. *Other Federal internal costs:* The estimate for other Federal internal costs is $2,096.

c. *Proposed payments to members:* The estimated payment for 12 non-Federal members is $6,000.

d. *Proposed number of members:* The Committee will consist of up to 12 members appointed by the Secretary.

e. *Reimbursable costs:* The estimate for reimbursable costs, including members' travel expenses, is $88,875.

2. *If applicable, the total dollar value of grants expected to be recommended during the fiscal year:* N/A.

3. *Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership:*

The Committee will consist of up to 12 members appointed by the Secretary. Members will be selected from recognized authorities knowledgeable in and with contemporary expertise relevant to toxicology and the NTP mission, including but not limited to expertise relevant to toxicology, translational science, medicine, communication sciences, and data sciences. Members will be invited to serve for overlapping terms of up to four years. Federal employees are not eligible to be members of this Committee. All members must be eligible to serve as Special Government Employees (SGE) and will serve as SGEs, as defined by 18 U.S.C. 202. A member will serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy for an unexpired term will be appointed for the remainder of that term.

4. *List of all other Federal advisory committees of the agency:*

- Advisory Committee on Research on Women's Health
- Advisory Committee to the Director, National Institutes of Health
- Advisory Council on Parkinson's Research, Care and Services
- Aging and Neurodegeneration Integrated Review Group
- AIDS Research Advisory Committee, NIAID
- Applied Immunology and Disease Control Integrated Review Group
- Applied Therapeutics for Cancer Integrated Review Group
- Biobehavioral and Behavioral Processes Integrated Review Group
- Bioengineering Sciences & Technologies Integrated Review Group
- Biological Chemistry and Macromolecular Biophysics Integrated Review Group
- Board of Regents of the National Library of Medicine
- Board of Scientific Counselors Eunice Kennedy Shriver National Institute of Child Health and Human Development
- Board of Scientific Counselors National Human Genome Research Institute
- Board of Scientific Counselors of the National Heart, Lung, and Blood Institute
- Board of Scientific Counselors of the NIH Clinical Center
- Board of Scientific Counselors, Division of Translational Toxicology
- Board of Scientific Counselors, National Cancer Institute
- Board of Scientific Counselors, National Center for Complementary and Integrative Health
- Board of Scientific Counselors, National Eye Institute
- Board of Scientific Counselors, National Institute of Arthritis and Musculoskeletal and Skin Diseases
- Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering
- Board of Scientific Counselors, National Institute of Dental and Craniofacial Research
- Board of Scientific Counselors, National Institute of Diabetes and Digestive and Kidney Diseases
- Board of Scientific Counselors, National Institute of Environmental Health Sciences
- Board of Scientific Counselors, National Institute of Mental Health
- Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke
- Board of Scientific Counselors, National Institute on Aging
- Board of Scientific Counselors, National Institute on Alcohol Abuse and Alcoholism
- Board of Scientific Counselors, National Institute on Deafness and Other Communication Disorders
- Board of Scientific Counselors, National Institute on Drug Abuse
- Board of Scientific Counselors, National Institute on Minority Health and Health Disparities and National Institute of Nursing Research
- Board of Scientific Counselors, National Library of Medicine
- Brain Disorders and Clinical Neuroscience Integrated Review Group
- Cardiovascular and Respiratory Sciences Integrated Review Group
- Cell Biology Integrated Review Group
- Center for Scientific Review Special Emphasis Panel
- Council of Councils
- Cures Acceleration Network Review Board
- Digestive, Kidney and Urological Systems Integrated Review Group
- Division of Intramural Research Board of Scientific Counselors National Institute of Allergy and Infectious Diseases
- Emerging Technologies and Training Neurosciences Integrated Review Group
- Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group
- Fogarty International Center Advisory Board
- Genes, Genomes, and Genetics Integrated Review Group
- Healthcare Delivery and Methodologies Integrated Review Group
- Infectious Diseases and Immunology A Integrated Review Group
- Infectious Diseases and Immunology B Integrated Review Group
- Integrative, Functional and Cognitive Neuroscience Integrated Review Group
- Interagency Autism Coordinating Committee
- Interagency Pain Research Coordinating Committee
- Interdisciplinary Molecular Sciences and Training Integrated Review Group
- Molecular, Cellular and Developmental Neuroscience Integrated Review Group
- Muscular Dystrophy Coordinating Committee
- Musculoskeletal, Oral, and Skin Sciences Integrated Review Group
- National Advisory Allergy and Infectious Diseases Council
- National Advisory Board on Medical Rehabilitation Research
- National Advisory Child Health and Human Development Council
- National Advisory Council for Biomedical Imaging and Bioengineering
- National Advisory Council for Complementary and Integrative Health
- National Advisory Council for Human Genome Research
- National Advisory Council for Nursing Research
- National Advisory Council on Aging
- National Advisory Council on Alcohol Abuse and Alcoholism
- National Advisory Council on Drug Abuse
- National Advisory Council on Minority Health and Health Disparities

- National Advisory Dental and Craniofacial Research Council
- National Advisory Environmental Health Sciences Council
- National Advisory Eye Council
- National Advisory General Medical Sciences Council
- National Advisory Mental Health Council
- National Advisory Neurological Disorders and Stroke Council
- National Arthritis and Musculoskeletal and Skin Diseases Advisory Council
- National Cancer Advisory Board
- National Cancer Institute Clinical Trials and Translational Research Advisory Committee
- National Cancer Institute Council of Research Advocates
- National Center for Advancing Translational Sciences Advisory Council
- National Deafness and Other Communication Disorders Advisory Council
- National Diabetes and Digestive and Kidney Diseases Advisory Council
- National Heart, Lung, and Blood Advisory Council
- National Science Advisory Board for Biosecurity
- National Toxicology Program Advisory Committee
- National Toxicology Program Special Emphasis Panel
- NIH Clinical Center Research Hospital Board
- Office of AIDS Research Advisory Council
- Office of Research Infrastructure Programs Special Emphasis Panel
- Oncology 1—Basic Translational Integrated Review Group
- Oncology 2—Translational Clinical Integrated Review Group
- Population Sciences and Epidemiology Integrated Review Group
- President's Cancer Panel
- Risk, Prevention and Health Behavior Integrated Review Group
- Scientific Advisory Committee on Alternative Toxicological Methods
- Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities
- Scientific Management Review Board
- Sickle Cell Disease Advisory Committee
- Sleep Disorders Research Advisory Board
- Social and Community Influences on Health Integrated Review Group
- Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group
- Vaccine Research Center Board of Scientific Counselors National Institute of Allergy and Infectious Diseases
- Vascular and Hematology Integrated Review Group

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 committee is a technical advisory group established to provide guidance to the National Toxicology Program Steering Committee and Program Director on issues related to the program's scientific content. The Committee also evaluates the scientific quality of the NTP's interagency and collaborative efforts. Members will be selected from recognized authorities knowledgeable in and with contemporary expertise relevant to toxicology and the NTP mission, including but not limited to expertise in toxicology, translational science, medicine, communication sciences, and data sciences.

6. *If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:*

The Board provides advice to the National Toxicology Program Steering Committee and Program Director on matters of scientific program content, to evaluate the scientific merits of the interagency and collaborative programs of the NTP, and to provide external scientific advice on NTP activities. Due to the unique function and objectives of the NTP within the public sector, an independent advisory committee is required that includes a breadth of scientific expertise within the membership and a membership that can evaluate and advise on activities ranging from basic research to large-scale chemical testing.

When the committee last met, they focused on recommendations to advance strategic priorities, program evaluation, stakeholder engagement, climate change impacts, and social determinants of health. They had extensive discussions that resulted in numerous recommendations to strengthen toxicology assessment approaches, improve performance metrics, expand scientific partnerships, and address vulnerable population exposures. This included a unanimous recommendation for approval of a bioinformatics support contract concept to enhance NIEHS research capabilities involving complex multidimensional datasets.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business:*

Due to the unique function and objectives of the NTP within the public sector, an independent advisory committee is required that includes a breadth of scientific expertise within the membership and a membership that can evaluate and advise on activities ranging from basic research to large-scale chemical testing.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Inquiries may be directed to Patricia Brandt Hansberger, Acting Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *patricia.hansberger@nih.gov.*

Dated: October 28, 2026.

Denise M. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–22549 Filed 11–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Topics in Health Services Research: Youth and Young Adult Mental Health November 18, 2026, 10:00 a.m. to November 18, 2026, 05:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on October 21, 2026, 91 FR 66567, Doc No 2026–21526.

This meeting is being amended to change the meeting date from November 18, 2026, to December 2, 2026. The meeting is closed to the public.

Dated: November 2, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–22545 Filed 11–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: November 30, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nawazish Ali Naqvi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–7449, *nawazish.naqvi@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–25–008: Tobacco Regulatory Science Small Grant Program for New Investigators (R03 Clinical Trial Optional).

Date: November 30, 2026.

Time: 11:00 a.m. to 2:00 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: Nijaguna Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5197, *prasadnb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 2, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–22550 Filed 11–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Dental & Craniofacial Research, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research, Winter 2026 Meeting.

Date: December 8–9, 2026.

Time: December 08, 2026, 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Time: December 09, 2026, 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yasaman Shirazi, Ph.D., Extramural Research Operations Officer, 31 Center Drive, Room 5B49C, National Institute of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, (301) 594–5593, *yasaman.shirazi@nih.gov*.

Dated: November 2, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–22559 Filed 11–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Kidney Disease.

Date: December 1, 2026.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Diverse Topics in Neurological, Mental, and Behavioral Health.

Date: December 1, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Allison Kurti, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007J, Bethesda, MD 20892, (301) 594–1814, *kurtian@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Hematology.

Date: December 1–2, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cynthia D. Anderson, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–7682, *cynthia.anderson@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Discovery, Pharmacology, Toxicology, and Advanced Therapeutics.

Date: December 1, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Andrea Samantha Gobin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4959, *andi.gobin@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: Non-Mentored Career Development and Career Transition Special Emphasis Panel.

Date: December 1, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Helen Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8934, *helen.huang@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Analytical Methods for Population Research.

Date: December 1–2, 2026.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Victoriya Volkova, DVM, Ph.D., Senior Scientific Review Officer, Office of The Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–0482, *victoriya.volkova@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Adaptive and Innate Immunity.

Date: December 1, 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: Seyhan Boyoglu barnum, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–1446, *seyhan.boyoglu-barnum@nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; RFA Panel: The HEALthy Brain and Child Development Study.

Date: December 1, 2026.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: 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; Topics in Patient Care Informatics.

Date: December 1, 2026.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 159–4437, *shiv.prasad@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative International Research Projects in Digestive System.

Date: December 1, 2026.

Time: 1:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aster Juan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–443–3765, *juana2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 2, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–22558 Filed 11–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7109–N–14; OMB Control No.: 2577–0083]

60-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 4, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to www.regulations.gov. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Eva Fulton, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Eva Fulton, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *PIH-PRAPublicComments@hud.gov;* telephone (202) 402–5847. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available supporting documents for the proposed collection may be obtained from Eva Fulton.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report.

OMB Approval Number: 2577–0083.

Type of Request: Reinstatement with change.

Form Number: HUD–50058 Family Report, HUD–50058–MTW Family Report, HUD–5008–MTW Expansion Family Report.

Description of the Need for the Information and Proposed Use: PIH provides funding to public housing agencies (PHAs) to administer assisted housing programs. The forms—HUD–50058 Family Report, HUD–50058–MTW Family Report, and HUD–50058–MTW Expansion Family Reports—solicit demographic, family profile, income, and housing information on the entire, nationwide population of tenants residing in assisted housing. The information collected through Form HUD–50058 is used to monitor and evaluate the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, and Section 8 Moderate Rehabilitation programs. The information collected through Form HUD–50058–MTW is used to monitor and evaluate PHAs participating in the MTW Demonstration program which includes the Public Housing, Section 8 Housing Choice Voucher, and Section 8 Project-Based Vouchers programs. The information collected through Form HUD–50058–MTW Expansion will be used to monitor and evaluate PHAs designated as MTW pursuant to the 2016 Expansion Statute (Pub. L. 114–113), which includes the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers, Local Non-Traditional Property-Based, and Local, Non-Traditional Tenant-Based programs.

HUD collects tenant data to understand demographic, family profile, income, and housing information for participants in the Public Housing, Section 8 Housing Choice Voucher, Section 8 Project Based Certificate, Section 8 Moderate Rehabilitation, and MTW Demonstration Programs. This data also allows HUD to monitor the performance of programs and of the PHAs that administer the programs.

With this reinstatement of an expired collection, HUD is updating terminology for two line items on each form. Line 2w of Form HUD–50058 and line 2x of Form HUD–50058–MTW Expansion and HUD–50058–MTW are being updated from ''Interim Reexamination reason'' to ''Interim Reexamination/Mid-Cycle Changes'' to account for non-interim reexamination types explained in attachment I.5 of Notice PIH 2023–27. For each form, line 5j is being updated from ''Was the last passed inspection an alternative inspection (Y or N)'' to ''Did PHA use inspection flexibilities, *e.g.,* alternative inspection or enter into a HAP contract with non-life-threatening deficiencies? (Y or N).'' This update provides clarity to PHAs complying with the use of alternative inspections according to 24 CFR 982.406.

Respondents: PHAs.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Form HUD–50058, New Admission	3,641	66	238,630	0.833	198,779	$23.73	$4,717,026.42
Form HUD–50058, Recertification	3,641	439	1,599,097	0.5	799,549	23.73	18,973,288.66
Form HUD–50058–MTW, New Admission	39	361	14,098	0.833	11,743	23.73	278,671.12
Form HUD–50058–MTW, Recertification	39	2,746	107,079	0.5	53,539	23.73	1,270,489.94
Form HUD–50058–MTW Expansion, New Admission	100	59	5,945	0.833	4,952	23.73	117,514.36
Form HUD–MTW Expansion, Recertification	100	398	39,838	0.5	19,919	23.73	472,677.84
Total	7,560	4,069	2,004,687	3.999	1,088,481	142.38	25,829,668.34

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

44 U.S.C. 3507.

Laura Kunkel,

Chief, Office of Policy, Program, and Legislative Initiatives.

[FR Doc. 2026–22638 Filed 11–4–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6542–N–03]

Tribal Intergovernmental Advisory Committee Request for Member Nominations; Extension of Comment Period

AGENCY: Office of Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Reopening of comment period.

SUMMARY: On September 1, 2026, the Department of Housing and Urban Development (HUD) published in the **Federal Register** a document titled ''Tribal Intergovernmental Advisory Committee Request for Member Nominations''. This request seeks to reopen the comment period by 30 days to allow for more nominations.

DATES: The comment period for the request for nominations published on September 1, 2016, at 91 FR 56162, is reopened until December 4, 2026.

Electronic Submission of Nominations. Interested persons are invited to submit nominations for potential representatives of the TIAC. Nominations must be submitted to HUD electronically through the Federal Rulemaking Portal at *www.regulations.gov*. Electronic submission allows the maximum time to prepare and submit nominations, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Individuals should follow the instructions provided on the website to submit nominations. To be considered, all submissions must refer to the docket number and title. Nominations should not be submitted by mail or fax.

FOR FURTHER INFORMATION CONTACT: Hilary Atkin, Acting Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410. 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 call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: On September 1, 2026, the Department of Housing and Urban Development (HUD) published in the **Federal Register** a document titled ''Tribal Intergovernmental Advisory Committee Request for Member Nominations''. This request for nominations provided for a 60-day nomination period, which ends on November 2, 2026. HUD has determined that a 30-day nomination period is appropriate to allow interested persons additional time to provide nominations.

Amanda Wahlig,

Associate General Counsel for Legislation and Regulations.

[FR Doc. 2026–22554 Filed 11–4–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7109–N–16; OMB Control No.: 2577–New]

60-Day Notice of Proposed Information Collection: Cyber Incident Reporting Requirements

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: January 4, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to Dawn Martin, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Dawn Martin, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *PIH-PRAPublicComments@hud.gov;* telephone 202–402–6488. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of available supporting documents for the proposed collection may be obtained from Ms. Martin.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: Cyber Incident Reporting Requirements.

OMB Approval Number: N/A

Type of Request: New

Form Number: N/A

Description of the need for the information and proposed use: Public housing agencies (PHAs) are required to report cyber incidents to HUD and law enforcement within 36 hours of awareness. PHAs must email HUD's Cyber Incident Response Team at *CIRT@hud.gov* and the PHA's local field office point of contact. For external cyberattacks or unauthorized access, PHAs should also notify the FBI via the internet Crime Complaint Center at *https://www.ic3.gov.* This collection will facilitate PHAs' required reporting of cyber incidents.

Reports on cyber incidents must include the following:

- PHA name
- PHA code
- Name, email address, and phone number of the PHA point of contact for coordinating follow-up activities
- Description of the cyber incident, including the following (if known):
  - Date of the cyber incident
  - Cause of the cyber incident
  - Impact on personally identifiable information
  - Impact on login credentials
  - Impact on IT system architecture
  - List of any impacted subsidiary or parent companies
  - Status of the PHA's response, including whether law enforcement and/or FBI has been notified

Respondents: PHAs.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Cyber Incident Notification	150	1	150	2	300	$68.96	$20,688.00

Most PHAs will never have to file a report. Burden estimates assume an average baseline event frequency across ~3,300 national PHAs, who would need to report once per incident. To estimate the hourly cost per respondent, HUD used the Department of Labor's Bureau of Labor Statistics' most recent (May 2024) data on the State and local government workers by occupational and industry group, Financial Specialists, All Other (13–2099). HUD

estimates these affected PHAs, All Other, Professional Series, to have an average hourly rate to be $68.96. The total annual burden of this collection is expected to be 300 hours. The total estimated annual cost for this information collection is $20,688.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comments in response to these questions.

C. Authority

44 U.S.C. 3507.

Laura Kunkel,

Chief, Office of Policy, Program, and Legislative Initiatives.

[FR Doc. 2026–22639 Filed 11–4–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–05; OMB Control No.: 2502–0539]

60-Day Notice of Proposed Information Collection: Home Mortgage Disclosure Act (HMDA) Loan/Application Register

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 4, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Room 9139–37, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email; *Darian.Ziegler@hud.gov,* telephone (202) 402–4144. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities.To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available supporting documents for the proposed collection may be obtained from Ms. Ziegler.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Home Mortgage Disclosure Act (HMDA). Loan/Application Register.

OMB Approval Number: 2502–0539.

Type of Request: Reinstatement with change.

Form Number: HMDA Reporting (FR HMDA–LAR–3, FR HMDA–LAR–4, LOAN/APPLICATION REGISTER).

Description of the need for the information and proposed use: In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information.

Respondents: Mortgagee/Lenders.

Estimated Number of Respondents: 907.

Estimated Number of Responses: 907.

Frequency of Response: Annual.

Average Hours per Response: 1,545.

Total Estimated Burdens: 1,401,315.

Information collection requirement	Number of respondents	Frequency	Annual responses	Average response time (hours)	Annual burden hours	Hourly costs	Annual cost
HMDA Reporting Requirements	907	1	907	1,545	1,401,315	$56.28	$78,866,008

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

44 U.S.C. 3507.

Paul M. Olin,

Acting General Deputy Assistant Secretary for Housing.

[FR Doc. 2026–22571 Filed 11–4–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7109–N–15; OMB Control No.: 2577–0026]

60-Day Notice of Proposed Information Collection: Public Housing Agency Board Resolution Approving the Operating Budget

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: January 4, 2027.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov*. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Eva Fulton, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Eva Fulton, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *PIH-PRAPublicComments@hud.gov*; telephone (202) 402–5847. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

Copies of available supporting documents for the proposed collection may be obtained from Eva Fulton.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Agency Board Resolution Approving the Operating Budget.

OMB Approval Number: 2577–0026.

Type of Request: Revision and extension of a currently approved collection.

Form Number: HUD–52574.

Description of the Need for the Information and Proposed Use: 24 CFR 990.315 requires each public housing agency (PHA) to prepare an operating budget for its public housing program and for the PHA's board to approve the budget by a board resolution (Form HUD–52574). The PHA must submit Form HUD–52574 to HUD, certifying that the board approved the PHA's operating budget, before HUD obligates operating funds to the PHA. The PHA must keep their operating budgets on file and updated with actual financial information. HUD may ask the PHA to provide their operating budget and updates to the budget to review the PHA's priorities and goals for the fiscal year, review the PHA's anticipated revenue and expenses, and monitor the PHA's actual financial performance compared to the budget. Without the collection of board resolutions, PHAs would be in noncompliance with the regulatory requirement. Without the collection of budgets, HUD would not have the necessary tools to conduct monitoring and oversight to ensure that PHAs with performance issues improve.

Respondents: PHAs.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–52574	3,000	1	3,000	0.17	510	$45.56	$23,235.60
PHA Operating Budget	3,000	2.1	6,300	1	6,300	45.56	287,028.00
PHA Operating Budget Actuals	750	10.5	7,875	1	7,875	45.56	358,785.00
Total	6,750	~2.54	17,175	~0.86	14,685	45.56	669,048.60

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

44 U.S.C. 3507.

Laura Kunkel,

Chief, Office of Policy, Program, and Legislative Initiatives.

[FR Doc. 2026–22570 Filed 11–4–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD AAKE200000/ A0A501010.000000]

Scotts Valley Band of Pomo Indians of California Liquor Control Ordinance; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice; correction.

SUMMARY: This notice publishes several corrections to the Scotts Valley Band of Pomo Indians of California Liquor Control Ordinance, as amended, published on June 1, 2026. The Tribe requested that the Bureau of Indian Affairs make three corrections to

typographical errors it identified in its original Ordinance submission that was previously published in the **Federal Register**. First, Article I, Section 3 mistakenly identifies the Tribe's trust land as being in ''Vallejo County''; the correct geographic description is ''the City of Vallejo, Solano County, California.'' Second, Article I, Section 3(v) incorrectly uses the term ''Indian county'' instead of the correct statutory term ''Indian country'' as used in 18 U.S.C. 1154 and 1161. Third, Article VII, Section 1 contains a typographical error referring to ''uncontested suits or actions''; the correct phrase is ''unconsented suits or actions,'' accurately reflecting the Tribe's intent to preserve its sovereign immunity.

DATES: The Liquor Ordinance shall become effective on December 7, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Sarraye Forrest-Davis, Tribal Government Specialist, Bureau of Indian Affairs, Pacific Region, Division of Tribal Government Services, 2800 Cottage Way, Room W–2820, Sacramento, California 95825, Telephone (916) 978–6073, Fax: (916) 978–6099.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country. The Tribal Authorities of the Scotts Valley Band of Pomo Indians of California enacted the Liquor Control Ordinance on October 16, 2025.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Tribal Authorities of the Scotts Valley Band of Pomo Indians of California enacted the Liquor Control Ordinance on October 16, 2025.

The Scotts Valley Band of Pomo Indians of California, Liquor Control Ordinance shall read as follows:

Scotts Valley Band of Pomo Indians of California

A Liquor Control Ordinance of the Scotts Valley Band of Pomo Indians of California on the Scotts Valley Indian Reservation and Tribal Lands

Article 1. Introduction

Section 1. Title; Short Title

This Ordinance shall be known and cited as ''A Liquor Control Ordinance of the Scotts Valley Band of Pomo Indians of California on the Scotts Valley Indian Reservation and Indian Lands'' and may be cited as the ''Scotts Valley Liquor Control Ordinance'' or ''Liquor Control Ordinance.''

Section 2. Authority

This Ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83–277, 67 Stat. 586, 18 U.S.C. 1161) and by powers vested in the Tribal Council of the Scotts Valley Band of Pomo Indians of California, the Tribe's governing body, to promulgate, adopt, and enforce ordinances and resolutions as authorized under Article VI, Section 1 (d), of the Constitution of the Scotts Valley Band of Pomo Indians of the Sugar Bowl Reservation, adopted September 24, 1994.

Section 3. Purpose; Findings

The purpose of this Ordinance is to regulate and control the consumption, possession, sale, manufacture, and distribution of liquor within Tribal Trust Lands under the jurisdiction of the Scotts Valley Band of Pomo Indians of California, including its Trust Land located in the City of Vallejo, Solano County, California in order to permit alcohol sales by tribally owned and operated enterprises and private lessees, and at tribally approved special events. Enactment of a liquor control ordinance will help promote and provide a source of revenue for the continued operation of the tribal government, the delivery of governmental services, and the economic viability of tribal enterprises.

The Tribal Council of the Scotts Valley Band of Pomo Indians of California enacts this Ordinance based upon the following findings:

i. The distribution, manufacturing, possession, consumption, and sale of liquor on Tribal Trust Lands is a matter of special concern to the Scotts Valley Band of Pomo Indians of California.

ii. The Scotts Valley Band of Pomo Indians of California is the beneficial owner of Tribal Trust Lands.

iii. In the event the Scotts Valley Band of Pomo Indians of California seeks to operate gaming and related dining, entertainment, and lodging facilities, it shall be located on Tribal Trust Lands whereby the Scotts Valley Band of Pomo Indians of California is the beneficial owner.

iv. In the event the Scotts Valley Band of Pomo Indians establishes and operates a gaming facility, it will serve as an integral and indispensable part of the Tribe's economy, providing revenue to the Scotts Valley Band of Pomo Indians of California's government and employment of its tribal citizens and others in the local community.

v. Federal law, as codified at 18 U.S.C. 1154 and 1161, currently prohibits the introduction of liquor into Indian country, except in accordance with State law and the duly enacted laws of the Scotts Valley Band of Pomo Indians of California.

vi. The Scotts Valley Band of Pomo Indians of California recognizes the need for strict control and regulation of liquor transactions on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction because of the potential problems associated with the unregulated or inadequate regulation of sales, possession, manufacturing, distribution, and consumption of liquor.

vii. Regulating the possession, sale, distribution, consumption, and manufacture of liquor within lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction is also consistent with the Scotts Valley Band of Pomo Indians of California's interests in ensuring the peace, safety, health, and general welfare of the Scotts Valley Band of Pomo Indians of California and its members.

viii. Tribal control and regulation of liquor on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction is consistent with the Scotts Valley Band of Pomo Indians of California's custom and tradition of controlling the possession and consumption of liquor on Tribal Lands, and at Tribal events.

ix. The purchase, distribution, manufacturing, consumption, possession, and sale of liquor on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction shall take place only at duly licensed (1) Tribally owned enterprises, (2) other enterprises operated pursuant to a lease with the Tribe, and (3) Tribally sanctioned events.

x. The sale, consumption, possession, or other commercial manufacture or distribution of liquor on lands under the Scotts Valley Band of Pomo Indians of California's jurisdiction, other than sales, consumption, possession, manufacture, and distribution made in strict compliance with this Ordinance, is detrimental to the health, safety, and general welfare of the members of the Tribe, and is prohibited.

xi. The Tribal Trust Land in the City of Vallejo, Solano County, California, accepted into trust for the benefit of the Scotts Valley Band of Pomo Indians on January 10, 2025, shall be subject to this Ordinance and to such site-specific licensing and regulatory provisions as the Tribal Council may adopt to ensure compliance with applicable federal and state law and any Tribal-State Gaming Compact.

Section 4. Jurisdiction

This Ordinance shall apply to all Lands now or in the future under the governmental control or authority of the Tribe, including Tribe's current Reservation, Tribal Trust Lands, as well as any Lands that may be taken into trust for the Tribe in the future.

Section 5. Application of 18 U.S.C. 1161

By enacting this Ordinance, the Tribe hereby regulates the sale, manufacturing, distribution, possession, and consumption of liquor while ensuring that such activity conforms with all applicable laws of the State of California as required by 18 U.S.C. 1161, other applicable Federal law, and any applicable Tribal-State Gaming Compact.

Article 2. Definitions

Section 1. Definitions

As used in this Ordinance, the terms below are defined as follows:

(a) ''Alcohol'' means ethyl alcohol, hydrated oxide of ethyl, or other distilled spirits including spirit of wine, in any form, and regardless of source or the process used for its production.

(b) ''Alcoholic beverage'' means all alcohol, spirits, liquor, wine, beer and any liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and that is fit for human consumption, either alone or when diluted, mixed, or combined with any other substance(s).

(c) ''Compact'' means a Tribal-State Compact between the State and the Scotts Valley Band of Pomo Indians of California, as may be amended from time to time, or procedures prescribed by the Secretary of the Interior pursuant to 25 U.S.C. 2710(d)(7), under which the Tribe may conduct Class III gaming on ''Indian lands'' as such term is defined in the Indian Gaming Regulatory Act, 25 U.S.C. 2701, *et seq.*

(d) ''Lands under the Tribe's Jurisdiction'' means and includes all Lands now or in the future under the governmental authority or control of the Scotts Valley Band of Pomo Indians of California.

(e) ''License'' means, unless otherwise stated, a license issued by the Tribe in accordance with this Ordinance.

(f) ''Liquor'' means any alcoholic beverage, as defined in this Section.

(g) ''Person'' means any individual or entity, whether Indian or non-Indian, receiver, assignee, trustee in bankruptcy, trust, estate, firm, corporation, partnership, joint corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, and any other Indian tribe, band or group. The term shall also include the businesses of the Tribe.

(h) ''Tribe'' means the Scotts Valley Band of Pomo Indians of California, a federally recognized Indian Tribe that is listed in the **Federal Register**.

(i) ''Tribal Trust Lands'' or ''Lands'' means all real property currently held in trust by the United States for the Scotts Valley Band of Pomo Indians of California, including approximately one hundred sixty acres located in the City of Vallejo, Solano County, California, which was accepted into trust for the benefit of the Tribe on January 10, 2025, as well as real property that may be taken into trust in the future for the benefit of the Scotts Valley Band of Pomo Indians of California.

(j) ''Sale'' and ''sell'' mean the transfer for consideration of any kind, including by exchange or barter.

(k) ''State'' means the State of California.

(l) ''Reservation'' means the Sugar Bowl Reservation.

Article 3. Liquor Sales, Possession, Consumption, and Manufacture

Section 1. Possession of Alcohol

The introduction, consumption, and possession of alcoholic beverages shall be lawful within and on Lands under the Tribe's jurisdiction; provided that such introduction, consumption, or possession is in conformity with the laws of the State and this Ordinance.

Section 2. Retail Sales of Alcohol

The sale of alcoholic beverages shall be lawful within and on Lands under the Tribe's jurisdiction; provided that such sales are in conformity with the laws of the State and are made pursuant to a license issued by the Tribe.

Section 3. Manufacture of Alcohol

The manufacture of beer, wine, and liquor shall be lawful within and on Lands under the Tribe's jurisdiction; provided that such manufacture is in conformity with the laws of the State and pursuant to a license issued by the Tribe.

Section 4. Age Limits

The legal age for possession or consumption of alcohol on Tribal Trust Lands shall be the same as that of the State, which is currently 21 years. No person under the age of 21 years shall purchase, possess or consume any alcoholic beverage or be present in any area of the Tribe's gaming operation in which alcoholic beverages may be consumed, except to the extent permitted by State law. If there is any conflict between State law and the terms of the Compact regarding the age limits for alcohol possession or consumption, the age limits in the Compact shall govern for purposes of this Ordinance.

Article 4. Power of the Tribal Council To License

Section 1. Licensing

The Tribal Council shall have the authority to require and the power to issue a license under this Ordinance for the sale, manufacture, distribution, or possession (including, without limitation, retail, wholesale, manufacturer, special events licenses and any other type of liquor license recognized by State law) on its Lands; and shall have the power to establish and enforce procedures and standards for such Tribal licensing of liquor sales, manufacture, distribution, and possession within and on Tribal Trust Lands, including the setting of a license fee schedule, and shall have the power to publish and enforce such standards; provided that no Tribal license shall be issued except upon showing of satisfactory proof that the applicant is duly licensed by the State. The fact that an applicant for a Tribal license possesses a license issued by the State shall not provide the applicant with an entitlement to a Tribal license. The Tribal Council may, in its discretion, set standards that are more, but in no case less, stringent than those of the State.

Article 5. Power To Enforce

Section 1. Enforcement

(a) The Tribal Council shall have the power to develop, enact, promulgate, and enforce regulations as necessary for the enforcement of this Ordinance and to protect the public health, welfare, and safety of the Tribe and Lands under the Tribe's jurisdiction; provided that all such regulations shall conform to, and not be in conflict with, any applicable Tribal, Federal, or State law. Regulations enacted pursuant to this Ordinance may include provisions for suspension or revocation of a Tribal liquor license, reasonable search and seizure provisions, and civil and criminal penalties for the violation of this Ordinance to the full extent permitted by Federal law and consistent with due process.

(b) Tribal law enforcement personnel and security personnel duly authorized by the Tribal Council shall have the authority to enforce this Ordinance by confiscating any liquor sold, possessed, distributed, manufactured, or introduced within Tribal Trust Lands in violation of this Ordinance or of any

regulations duly adopted pursuant to this Ordinance to the full extent permitted by Tribal, Federal, and State law and consistent with due process.

(c) The Tribal Council shall have the exclusive jurisdiction to hold hearings on violations of this Ordinance and any procedures or regulations adopted under or pursuant to this Ordinance; to promulgate appropriate procedures governing such hearings; to determine and enforce penalties or damages for violations of this Ordinance; and to delegate to a subordinate hearing officer or panel the authority to take any or all of the foregoing actions on its behalf.

Article 6. Taxes

Section 1. Taxation

Nothing contained in this Ordinance is intended to, nor does it in any way, limit or restrict the Tribe's ability to impose any tax upon the sale or consumption of liquor or any alcoholic beverage. The Tribe retains the right to impose such taxes by an appropriate Ordinance to the fullest extent permitted by Federal law.

Article 7. Miscellaneous Provisions

Section 1. Sovereign Immunity Preserved

Nothing contained in this Ordinance shall be deemed or construed, in any way, as a waiver of the Tribe's sovereign immunity, nor shall it be intended to waive, limit, alter, waive, or restrict the sovereign immunity of the Tribe or any of its officers, entities, agencies, agents, and/or officials from unconsented suit or action of any kind. All inherent sovereign rights of the Tribe, its officers, entities, and/or agents are hereby expressly reserved, including the Tribe's sovereign immunity from unconsented suits or actions of any kind.

Section 2. Conformity With Applicable Laws

All acts and transactions under this Ordinance shall be in conformity with the Compact and laws of the State to the extent required by 18 U.S.C. 1161, and with all Federal laws regarding alcohol in Indian Country.

Section 3. Effective Date

This Ordinance shall be effective as of the date on which the Secretary of the Interior certifies this Ordinance and publishes the same in the **Federal Register**.

Section 4. Repeal of Prior Acts

All prior enactments of the Tribal Council, including Tribal laws, resolutions, policies, regulations, or ordinances pertaining to the subject matter set forth in this Ordinance are hereby repealed.

Section 5. Amendments

This Ordinance may only be amended pursuant to an amendment duly enacted by the Tribal Council and, to the extent required by Federal law, certification by the Secretary of the Interior and publication in the **Federal Register**.

Section 6. Severability and Savings Clause

If any section, part, or provision of this Ordinance is held invalid, void, or unenforceable by a court of competent jurisdiction, such adjudication shall not be held to render the remaining sections, parts, and provisions of this Ordinance inapplicable, invalid, void, or unenforceable and the remainder of this Ordinance shall not be affected and shall continue in full force and effect.

William Henry Kirkland III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–22566 Filed 11–4–26; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1528 (Review)]

Seamless Refined Copper Pipe and Tube From Vietnam; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on seamless refined copper pipe and tube from Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: October 5, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Magill ((202) 205–3402), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On October 5, 2026, the Commission determined that the domestic interested party group response to its notice of institution (91 FR 40575, July 2, 2026) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on December 30, 2026. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before January 7, 2027 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by January 7,

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner Samuel T. Negatu not participating.

[3] The Commission has found the response submitted on behalf of American Copper Tube Coalition, a trade association consisting of U.S. producers of seamless refined copper pipe and tube, to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

2027. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 3, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–22595 Filed 11–4–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–656 and 731–TA–1533 (Review)]

Metal Lockers From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the countervailing and antidumping duty orders on Metal Lockers from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: October 5, 2026.

FOR FURTHER INFORMATION CONTACT: Gregory Gutierrez (202–205–1999), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On October 5, 2026, the Commission determined that the domestic interested party group response to its notice of institution (91 FR 40581, July 2, 2026) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on January 28, 2027. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before 5:15 p.m. on February 4, 2027 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by February 4, 2027. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 3, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–22597 Filed 11–4–26; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner Kearns voted to conduct full reviews.

[3] The Commission has found the responses submitted on behalf of List Industries Inc. and Tennsco LLC to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–772–774 and 731–TA–1756–1758 (Final)]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules From India, Indonesia, and Laos; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of crystalline silicon photovoltaic cells, whether or not assembled into modules, from India, Indonesia, and Laos, provided for in subheadings 8541.42.00 and 8541.43.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and subsidized by the governments of India, Indonesia, and Laos.[2] [3] [4]

Background

The Commission instituted these investigations effective July 17, 2025, following receipt of petitions filed with the Commission and Commerce by the Alliance for American Solar Manufacturing and Trade.[5] The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of crystalline silicon photovoltaic cells, whether or not assembled into modules from India, Indonesia, and Laos were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on May 13, 2026 (91 FR 27078). The Commission conducted its hearing on September 9, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on November 2, 2026. The views of the Commission are contained in USITC Publication 5804 (November 2026), entitled *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from India, Indonesia, and Laos: Investigation Nos. 701–TA–772–774 and 731–TA–1756–1758 (Final).*

By order of the Commission.

Issued: November 2, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–22565 Filed 11–4–26; 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] 91 FR 58643, 91 FR 58647, 91 FR 58638, 91 FR 58658, 91 FR 58651, and 91 FR 58633 (September 16, 2026).

[3] Commissioner Samuel T. Negatu not participating.

[4] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules from India and Laos but are likely to undermine seriously the remedial effect of the antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules from Indonesia.

[5] Members include Hanwha Q CELLS USA Inc., First Solar, and Mission Solar.

DEPARTMENT OF JUSTICE

Antitrust Division

United States, et al. v. OhioHealth Corporation; Amended Response to Public Comments on the Proposed Final Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that the Amended Response of Plaintiff United States to Public Comments on the Proposed Final Judgment has been filed with the United States District Court for the Southern District of Ohio, Eastern Division in *United States of America, et al.* v. *OhioHealth Corporation,* Civil Action No. 2:26-cv-207.

Copies of the Public Comments and the United States' Amended Response are available for inspection on the Antitrust Division's website at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the Southern District of Ohio. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Suzanne Morris,

Deputy Director of Civil Enforcement Operations, Antitrust Division.

United States District Court for the Southern District of Ohio Eastern Division

UNITED STATES OF AMERICA and STATE OF OHIO, Plaintiffs, v. OHIOHEALTH CORPORATION, Defendant.
Case No. 2:26–cv–207
Judge Algenon L. Marbley
Magistrate Judge S. Courter M. Shimeall

Amended Response of Plaintiff United States to Public Comments on the Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the ''Tunney Act'' or ''APPA''), the United States submits this amended response to the public comments it received regarding the proposed Final Judgment in this case. The United States received four comments about the proposed remedy, which are summarized and addressed below and attached as Exhibit A. This is an amended response to the United States' Response to Public Comments on the Proposed Final Judgment (''Response to Comments''), filed on October 20, 2026. (Dkt. 34). The United States has amended its response to address a comment that had been inadvertently omitted from its initial response. Other than this paragraph, references to the number of comments received, and the addition of the comment to Exhibit A, the only changes from the initial Response to Comments are on pages 12–13. After careful consideration of the submitted comments, the United States continues to believe that the proposed Final Judgment is in the public interest because it will provide an effective and appropriate remedy for the antitrust violations the Complaint alleged.

Specifically, the proposed Final Judgment will protect competition by, among other things, voiding the anticompetitive steering and transparency restrictions, prohibiting OhioHealth Corporation (''OhioHealth'') from seeking or obtaining such provisions in the future, and prohibiting OhioHealth from penalizing payors that engage (or are planning to engage) in steering, offer steered plans, or provide price transparency to their members.

After this response has been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d), the United States will move that the Court enter the proposed Final Judgment.

I. Procedural History

On February 20, 2026, the United States, along with the State of Ohio, filed a civil antitrust Complaint (Dkt. 1) seeking to enjoin OhioHealth's alleged anticompetitive steering and transparency restrictions. The Complaint alleges that OhioHealth engaged in anticompetitive contracting that reduced choice for consumers and prevented price competition for healthcare services in the Columbus area in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

On June 16, 2026, Plaintiffs filed the proposed Final Judgment, as well as a stipulation signed by all parties consenting to entry of the proposed Final Judgment after compliance with the requirements of the Tunney Act. (Dkt. 29–1, 29–2). On July 15, 2026, the United States filed a Competitive Impact Statement describing the proposed Final Judgment. (Dkt. 33).

The United States arranged for the publication of the Complaint, the proposed Final Judgment, and the Competitive Impact Statement in the **Federal Register** on July 23, 2026 (*see* 91 FR 46463 (2026)), and caused notice regarding the same, together with directions for the submission of written comments relating to the proposed Final Judgment, to be published in the *Washington Post* and *The Columbus Dispatch* from July 27, 2026, through August 3, 2026. The four public comments received in response are described below and attached as Exhibit A. The 60-day period for public comment has now ended.

II. Standard of Judicial Review

Under the Tunney Act, proposed Final Judgments, or ''consent judgments,'' in antitrust cases brought by the United States are subject to a 60-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the Tunney Act, as amended in 2004, directs the Court to consider the following factors:

(a) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(b) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B).

In considering these statutory factors, the Court's inquiry is necessarily a limited one, as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States* v. *Hewlett Packard Enter. Co.,* No. 25–CV–00951–PCP, 2026 WL 2349970, at *16 (N.D. Cal. Aug. 12, 2026); *United States* v. *U.S. Airways Grp., Inc.,* 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that a court's review of a proposed final judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint [is] reasonable, and whether the mechanisms to enforce the final judgment are clear and manageable''); *United States* v. *Charleston Area Med. Ctr., Inc.,* No. 2:16–3664, 2016 U.S. Dist. LEXIS 145963 at *5 (S.D.W.V. Oct. 21, 2016) (''In evaluating whether the proposed final judgment is in the public interest, the inquiry is 'a narrow one.' '' (quoting *Massachusetts* v. *Microsoft Corp.,* 372 F.3d 1199, 1236 (D.C. Cir. 2004))).

Under the Tunney Act, a court considers, among other things, the relationship between the remedy secured and the specific allegations in the government's complaint, whether the proposed final judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the proposed Final Judgment, a court may not ''make de novo determination of facts and issues.'' *United States* v. *W. Elec. Co.,* 993 F.2d 1572, 1577 (D.C. Cir. 1993) (quotation marks omitted); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Instead, ''[t]he balancing of competing social and political interests affected by a proposed antitrust [judgment] must be left, in the first instance, to the discretion of the Attorney General.'' *W. Elec. Co.,* 993 F.2d at 1577 (quotation marks omitted). ''The court should also bear in mind the *flexibility* of the public interest inquiry: the court's function is not to determine whether the resulting array of rights and liabilities is the one that will *best* serve society, but only to confirm that the resulting settlement is within the *reaches* of the public interest.'' *Microsoft,* 56 F.3d at 1460 (internal quotation marks omitted) (emphasis in original); *see also United States* v. *Deutsche Telekom AG,* No. 19–2232 (TJK), 2020 WL 1873555, at *7 (D.D.C. Apr. 14, 2020). More demanding requirements would ''have enormous practical consequences for the government's ability to negotiate future settlements,'' contrary to congressional intent. *Microsoft,* 56 F.3d at 1456. ''The Tunney Act was not intended to create a disincentive to the use of the consent [judgment].'' *Id.*

''Because enforcement by consent decree is an alternative to enforcement by trial or abandonment of the litigation altogether and often reflects the United States's assessment of litigation risk, a proposed settlement does not need to replicate the full relief that [the] United States sought in its complaint.'' *Hewlett Packard Enter.,* 2026 WL 2349970, at *17. The United States' predictions about the efficacy of the remedy are to be afforded deference by the Court. *See, e.g., Microsoft,* 56 F.3d at 1461 (recognizing courts should give ''due respect to the Justice Department's . . . view of the nature of its case''); *United States* v. *Republic Servs., Inc.,* 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting ''the deferential review to which the government's proposed remedy is accorded''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (''A district court must accord due respect to the government's prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.''). The ultimate question is whether ''the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.' '' *Microsoft,* 56 F.3d at 1461.

Moreover, the Court's role under the Tunney Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint and does not authorize the Court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 38

F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''[T]he 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged.''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60; *see also United States* v. *Alcan Aluminium, Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy).

Further, ''[i]n evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *United States* v. *Iron Mountain, Inc.,* 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (second and third alterations in original) (internal citations omitted). The Court's authority is essentially binary: it may approve a proposed final judgment that falls within the ''reaches of the public interest,'' or it may reject one that does not. *Microsoft,* 56 F.3d at 1461–62. ''Short of that eventuality, the Tunney Act cannot be interpreted as an authorization for a district judge to assume the role of Attorney General.'' *Id.* at 1462.[1]

In its 2004 amendments to the Tunney Act, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States in antitrust enforcement and added the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' Public Law 108–237, 221, 118 Stat. 668–69 (codified as amended at 15 U.S.C. 16(e)(2)). This Court itself has held that the 2004 amendments to the APPA ''do not enlarge the scope of the court's public interest review.'' *United States* v. *Fed'n of Physicians & Dentists,* No. 1:05–cv–431, 2008 U.S. Dist. LEXIS 133904, at *5–6, *6 n.1 (S.D. Ohio Apr. 22, 2008) (citing *United States* v. *SBC Commc'ns Inc.,* 489 F. Supp. 2d 1, 15 (D.D.C. 2007) (''[T]he Court cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'')). As Senator Tunney explained: ''The court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent [judgment] process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). ''A court can make its public interest determination based on the competitive impact statement and response to public comments alone.'' *U.S. Airways,* 38 F. Supp. 3d at 76 (citing *Enova Corp.,* 107 F. Supp. 2d at 17).

III. The Harm Alleged in the Complaint and the Proposed Final Judgment

The proposed Final Judgment resolves the United States' claim that OhioHealth has maintained provisions in its contracts with payors that (1) prevent payors from steering away from OhioHealth to incentivize patients to use less-expensive providers than OhioHealth and (2) inhibit payors from informing patients that less-expensive options are available. As alleged in the Complaint, these restrictions deprive Columbus-area consumers of the choice of lower-cost health plan options and reduce competition among hospitals in violation of Section 1 of the Sherman Act, 15 U.S.C. 1 (''Sherman Act claim'').

OhioHealth is a not-for-profit healthcare services corporation, with its principal place of business in Columbus, Ohio. OhioHealth owns or manages sixteen hospitals and outpatient facilities, physician groups, and other healthcare services throughout Ohio.

As alleged in the Complaint, OhioHealth is one of the most significant health systems in and around central Ohio. It uses its market power to extract restrictive contract provisions and high prices from payors. Those provisions, which include restrictions on tiered plans, narrow networks, steering, and price transparency, effectively prevent payors from offering consumers and employers the opportunity to pay less for healthcare at less expensive hospitals and providers. The restrictions also inhibit competition among hospitals because they limit the opportunity of hospitals with lower prices to gain more patient volume. Because the restrictions deter OhioHealth's competitors from competing by reducing prices, they protect OhioHealth from pressure to reduce its own prices. This inhibited price competition raises the cost of health insurance and results in patients and employers paying more for essential healthcare.

The proposed Final Judgment provides an effective and appropriate remedy for the competitive harms arising out of OhioHealth's alleged conduct. The proposed Final Judgment has several components, which OhioHealth agreed to abide by pending entry of the Final Judgment, as the Court ordered in the Stipulation and Order entered on July 2, 2026. (Dkt. 31).

First, the proposed Final Judgment voids any and all language in OhioHealth's contracts with payors that prohibits, deters, prevents, or penalizes steering, steered plans, or transparency. Second, the proposed Final Judgment prevents OhioHealth from seeking or obtaining new contract provisions that would prohibit, prevent, or penalize steering, steered plans, or transparency. Third, the proposed Final Judgment prohibits OhioHealth from penalizing or retaliating against payors that engage (or are planning to engage) in steering, offer steered plans, or provide price transparency to their members. Fourth, the proposed Final Judgment prohibits OhioHealth from requiring that it be included in the most-preferred tier of any benefit plan offered by payors. Finally, the proposed Final Judgment provides for the Court to appoint a monitor who will serve for five years and will have the power to investigate and report on OhioHealth's compliance with the terms of the Final Judgment.

Together, these requirements of the proposed Final Judgment will preserve competition for the sale of inpatient general acute care hospital services to commercial payors and their members in Ohio.

IV. Summary of Public Comments and the United States' Response

The United States received four comments about the proposed Final Judgment. The comments do not question the adequacy of the proposed Final Judgment to remedy the detrimental effects of OhioHealth's restrictions on steering and transparency that are at the core of the Sherman Act claim. Rather, each of the four comments relates to facts or events

[1] If the Court concludes that the proposed Final Judgment is not in the public interest, each party must then determine its next steps for the litigation, which may include continuing to litigate the case, attempting to settle the case on different terms, or Plaintiffs' dismissing the case.

outside the scope of the conduct challenged under the Sherman Act claim and therefore are outside the scope of the Court's Tunney Act review.

a. General Comments About OhioHealth's Market Power

Two commenters expressed concerns about OhioHealth's possession and exertion of market power to harm various stakeholders including patients, employees, and others in the communities surrounding their hospitals.

First, the United States received a comment from the Ohio Nurses Association (''Association''). The Association wrote to request that the United States ''broaden its scrutiny of OhioHealth's conduct and the impact its market power is having on patients and communities throughout [the] state.'' (Exhibit A, TC–001). Specifically, the Association cites to OhioHealth's recent closure of its inpatient maternity services at Grady Memorial Hospital as an example of harm caused by OhioHealth's ''growing market power.'' *Id.*

Second, the United States received a comment from a current employee of OhioHealth voicing concerns about OhioHealth's treatment of employees, patients, and the community. The employee described the failure of OhioHealth to make market-rate salary adjustments. They also shared the Association's concern about OhioHealth's closure of the Labor and Delivery Unit at Grady Memorial Hospital. (Exhibit A, TC–003).

These comments do not discuss OhioHealth's contract restrictions on steering and price transparency in the relevant market that were challenged in the Sherman Act claim or how the proposed remedy is allegedly inadequate to resolve the competitive harm that is caused by those restrictions. Because these comments do not relate to whether the proposed Final Judgment reasonably addresses the harms alleged in the Complaint, they are beyond the scope of the Court's review under the Tunney Act and do not provide a basis for rejecting the proposed Final Judgment. *See U.S. Airways,* 38 F. Supp. 3d at 76 (''[T]he Court's role under the [Tunney Act] is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint.'' (internal citation omitted)).

b. Specific Comment About OhioHealth's Contracting Practices

The United States received one comment that requested the inclusion of an ''explicit ban on all-or-nothing contracting provisions'' in the proposed Final Judgment. (Exhibit A, TC–002). In the commenter's view, the lack of an explicit ban on all-or-nothing contracting could ''leave a critical loophole that allows dominant systems to continue leveraging market power to the detriment of Ohio employers, workers, and patients.'' (*Id.*).

The United States' Sherman Act claim challenges only OhioHealth's steering and transparency restrictions. The proposed Final Judgment provides effective relief for the challenged conduct by banning all present and future steering and transparency restrictions and enjoining any action that would penalize steering.

A separate ban on all-or-nothing contracting is unwarranted to resolve the United States' claim. The United States' claim does not challenge OhioHealth's all-or-nothing contracting as a violation of Section 1 of the Sherman Act. Rather, the Complaint alleges as a matter of fact that OhioHealth engages in all-or-nothing contracting, which can reflect the existence of market power. However, the Sherman Act claim challenges OhioHealth's steering and transparency restrictions themselves, not the all-or-nothing contracting. If OhioHealth were to impose an all-or-nothing contracting requirement that prevents a Payor from steering, that would violate the proposed Final Judgment.

Moreover, the proposed Final Judgment includes multiple reservations of rights explicitly stating that (1) if the proposed Final Judgment fails to fully redress the violations alleged in the Complaint, then the United States may re-open the proceeding and seek additional relief; and (2) the proposed Final Judgment terminates only the claims stated in the Complaint and does not affect other charges or claims the United States or the State of Ohio may file. (Dkt. 29–2 at 17, 19). If in the future the United States learns that OhioHealth's all-or-nothing contracting practices result in anticompetitive harm, the United States may investigate the conduct, and if warranted, bring an enforcement action against OhioHealth for that conduct.

c. Blood Cancer United's Comment

On September 21, 2026, the United States received a comment from Blood Cancer United, in which the organization wrote that it ''agree[s] that the proposed Final Judgment achieves all or substantially all of the relief the United States would have obtained through litigation, while avoiding the time, expense, and uncertainty of a full trial on the merits.'' (Exhibit A, TC–004). Blood Cancer United expressed concerns primarily about the general consolidation of healthcare and urged lawmakers and enforcement agencies to prevent systems like OhioHealth from obtaining market power in the first place and thus being able to impose the contract restrictions alleged in the Complaint. These concerns are not related to OhioHealth's contract restrictions on steering and price transparency in the relevant market and are therefore beyond the scope of the Court's review under the Tunney Act.

Similarly, in relation to the price transparency restrictions challenged in the Complaint, Blood Cancer United wrote that the United States could broaden the scope of its relief by requiring that OhioHealth ''disclose the availability of financial assistance on its main website'' and provide ''notice about financial assistance with a paper copy of the application.'' *Id.* at 4. However, the price transparency restrictions challenged in the Complaint relate to payors' efforts to increase transparency about prices of healthcare services. The Complaint did not challenge OhioHealth's own disclosure requirements. Therefore, the additional relief recommended by Blood Cancer United falls outside the scope of the proposed Final Judgment and thus beyond the scope of the Court's review under the Tunney Act.

Finally, the organization commended the appointment of a monitor but suggested that a longer monitorship may be necessary to ''provide better oversight and foster institutional reform.'' *Id.* The United States believes that a term of five years is sufficient to ensure OhioHealth's compliance with the proposed Final Judgment. However, the proposed Final Judgment does include a reservation that the United States, in its sole discretion, may determine a different period is appropriate. (Dkt. 29–2 at 13).

The concerns expressed by Blood Cancer United are either outside the scope of the harm alleged in the Complaint or are already addressed in the proposed Final Judgment. As the organization itself agrees, the proposed Final Judgment effectively relieves the harm of the antitrust violations alleged in the Complaint.

V. Conclusion

After careful consideration of the public comments, the United States continues to believe the proposed Final Judgment provides an effective and appropriate remedy for the antitrust violations alleged in the Complaint and is therefore in the public interest. The United States will move this Court to

enter the proposed Final Judgment after this response and the public comments are published in the **Federal Register** as required by 15 U.S.C. 16(d).

Dated: November 2, 2026

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

PAUL TORZILLI* (S.D. Ohio Bar 4118832), Senior Litigation Counsel
Karl D. Knutsen*, Stella Martin, Trial Attorneys, United States Department of Justice, Antitrust Division, 450 5th St. NW, Suite 4100, Washington DC 20530, Telephone: (202) 476–0547, Email: *Paul.Torzilli@usdoj.gov.*

*Designated Trial Attorneys

BILLING CODE 4410–11–P

EXHIBIT A

TC-001

From: Amy Borror
To: Maguire, Jill (ATR)
Cc: Rick Lucas; Erica Bell; Kristen Bailey
Subject: [EXTERNAL] Comments re: OhioHealth proposed antitrust settlement
Date: Thursday, July 30, 2026 11:16:57 AM
Attachments: image.png
ONA comments OhioHealth antitrust settlement.pdf

Acting Chief Maguire:

Attached, please find comments from the Ohio Nurses Association regarding the proposed settlement between the DOJ Antitrust Division and OhioHealth Corporation.

ONA will be happy to provide any additional information that might be helpful to your Division on this matter.

Thank you for your time and consideration,
Ohio Nurses Association

Amy Borror
Director of Communications and Technology
614-269-9048
aborr[Redacted]
www.ohnurses.org
3510 Snouffer Road, Columbus, Ohio 43235

ONA afl
A Union of Nurses & Health Professionals

Affiliated with AFL-CIO

July 29, 2026

U.S. Department of Justice
Antitrust Division
Healthcare and Consumer Products Section

Re: Request for Expanded Antitrust Review of OhioHealth's Impact on Ohio Communities

Dear Assistant Attorney General,

On behalf of the Ohio Nurses Association, representing thousands of registered nurses and health professionals across Ohio, I write to urge the Department of Justice to broaden its scrutiny of OhioHealth's conduct and the impact its market power is having on patients and communities throughout our state.

The Department has already concluded that Ohio Health engaged in anticompetitive contracting practices significant enough to warrant federal enforcement action and a proposed settlement requiring the system to abandon contractual provisions that restricted competition and to operate under years of compliance monitoring.[1]

While that case focused on commercial contracting practices, we believe a larger question deserves examination:

How is OhioHealth's growing market power affecting access to essential healthcare services for the communities it serves?

The recent decision to close inpatient maternity services at Grady Memorial Hospital raises serious concerns. Delaware County is one of Ohio's fastest-growing counties, yet Ohio Health has chosen to eliminate local labor and delivery services despite continued community need. Families will now be forced to travel farther for obstetric care during one of the most critical moments of their lives. In some cases, it could take up to 50 minutes to travel to a hospital that has a safe labor and delivery unit.[2] These increased travel times are highly correlated with poor maternal and fetal outcomes.

This reduction in services at Grady Memorial Hospital is just the latest in a series of closures across the state of Ohio. Since 2018, twenty-five inpatient labor and delivery units have shuttered deepening the existing maternal and infant health crisis in the state. According to a recent report by the Center for Health Quality & Payment Reform, only 22% of rural hospitals in Ohio offer labor and delivery services.[3] Recent cuts to federal funding pose additional threats to our communities.

Healthcare systems frequently justify acquisitions, affiliations, and market expansion by promising stronger local healthcare, improved access, and long-term investments in communities. When dominant systems later reduce or eliminate essential services after competition has diminished, communities are left with fewer choices and less leverage.

From the perspective of frontline nurses, this creates a troubling pattern:

- Communities lose independent healthcare options.
- Market concentration increases.
- Essential services are centralized or eliminated.
- Patients travel farther.
- Healthcare workers leave their communities.
- Local hospitals become shells of what they once promised to be.

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The result may not simply be higher prices—it can also be reduced access, diminished quality, weakened workforce stability, and fewer competitive alternatives for patients.

Healthcare is unlike most industries. When labor and delivery closes, families cannot simply "shop elsewhere." Delays in care carry real clinical consequences. Rural and suburban communities deserve more than assurances that services are available somewhere else within a health system's footprint.

We respectfully request that the Department examine whether Ohio Health's pattern of acquisitions, market consolidation, and subsequent service reductions warrants additional antitrust review under the broader public interest goals of preserving competition and protecting consumer access to healthcare.

Specifically, we ask the Department to consider:

- Whether consolidation has reduced meaningful healthcare competition in affected communities.
- Whether commitments made during expansion or affiliation have been fulfilled.
- Whether dominant market position enables service reductions that would not occur in a competitive marketplace.
- Whether patients, employers, and communities ultimately suffer diminished access despite increased market concentration.

The Ohio Nurses Association stands ready to provide the perspective of frontline nurses and health professionals who witness these consequences every day. Nurses and health professionals understand better than anyone what happens when critical services disappear—not on a balance sheet, but in emergency departments, ambulances, labor rooms, and at patients' bedsides.

Competition policy exists to protect the public. In healthcare, protecting competition must also mean protecting access.

Ohio communities deserve healthcare systems that invest in them—not simply acquire market share and later withdraw essential services.

We appreciate your consideration and would welcome the opportunity to discuss these concerns further.

Respectfully,

Rick Lucas

Rick Lucas BSN, RN, CCRN
ONA President & Executive Director

References:

1. https://www.justice.gov/opa/pr/justice-department-requires-ohiohealth-step-using-anticompetitive-healthcare-contract-terms?utm_source=chatgpt.com

2. https://newsroom.ohiohealth.com/ohiohealth-announces-updates-to-maternity-and-womens-health-services-at-ohiohealth-grady-memorial-hospital?utm_source=chatgpt.com

3. https://ruralhospitals.chpnet.org/downloads/Rural_Maternity_Care_Crisis.pdf

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TC-002

July 24, 2026

Jill Maguire Acting Chief, Healthcare and Consumer Products Section Antitrust Division, U.S. Department of Justice 450 Fifth Street NW, Suite 4100 Washington, DC 20530

Subject: Comment on Proposed Final Judgment - *United States and State of Ohio v. OhioHealth Corporation*

Dear Ms. Maguire:

I write to comment on the proposed Final Judgment m *United States and State of Ohio v. OhioHealth Corporation* (June 15, 2026). While the settlement appropriately voids contract provisions that prohibit or penalize steering, tiering, or transparency, it fails to prohibit **all-or-nothing contracting-a** practice that remains among the most harmful restraints in hospital network negotiations.

All-or-nothing clauses compel payors to include every facility within a system under a single rate structure, regardless of cost or quality. This coercive bundling undermines competition, inflates prices, and prevents independent hospitals from participating in networks on fair terms. The **Council of Economic Advisers (2026)** found that a nationwide ban on anti-steering, anti-tiering, and all-or-nothing contracting would reduce hospital and affiliated-physician prices by **11 to 26 percent,** yielding **$1,100 to $2,500 in annual savings per family** and generating **$29 to $63 billion in national savings.**[1] These findings underscore the need for the Department of Justice to include a prohibition on all-or-nothing contracting in the OhioHealth settlement to ensure durable competitive relief.

By omitting a prohibition on all-or-nothing contracting, the proposed judgment leaves a critical loophole that allows dominant systems to continue leveraging market power to the detriment of Ohio employers, workers, and patients. I respectfully urge the Department of Justice and the Ohio Attorney General to amend the Final Judgment to include an explicit ban on all-or-nothing contracting provisions. Doing so would ensure durable competitive relief, promote transparency, and advance the settlement's stated goal of restoring fair market conditions in Ohio's healthcare sector.

Sincerely,

Mark A. Clement

[1] Council of Economic Advisers. *Effects of Banning Hospitals' Anti-Steering, Anti-Tiering, and All-or-Nothing Contracts.* June 2026. Executive Office of the President of the United States.

TC-003

[Redacted]
[Redacted]
[Redacted] OH [Redacted]

August 4, 2026

Jill McGuire
Acting Chief Healthcare and Consumer Products Section Antitrust Division U.S. Department of Justice
450 Fifth Street NW, Suite 4100
Washington DC 20530

Ms. McGuire,

I am writing you regarding the settlement with OhioHealth. While the DOJ has reached a settlement with OhioHealth, I feel obligated to notify you that the DOJ hasn't even scratched the surface with the degree of depravity that OhioHealth leadership continues to engage in.

I work for OhioHealth and have for nearly [redacted] years. In the last 5 or so years I can personally attest to the about face that OhioHealth has taken in their views for caring for and working for the community. Put quite succinctly, they don't anymore. They do not care for their staff and they do not care for their patients and least of all they do not care for their communities as they are a pool of the former.

OhioHealth leadership cares about their own wallets only.[Redacted] [Redacted] whereby the senior leadership has withheld market rate adjustments and have created a "soft ceiling" for compensation at or near the market median. That is not aligned with the organization's stated policies or the compensation training videos they have provided internally in the compensation education documents. OhioHealth has hit record revenues for 6 consecutive years. Prior to the past 6 years, when OhioHealth was not bringing in record breaking revenue,[Redacted] [Redacted]

The direct impact of withholding market rate adjustments in the face of year after year of record-breaking revenue has two distinct effects. The primary one is that it disproportionately hurts the organization's older, tenured staff demonstrating an active age discrimination regardless of intent and secondarily underpaying their staff artificially demonstrates improved operating margin efficiency thereby increasing executive compensation. The direct effects of these actions imply the organization has successfully implemented a system of executive self-enrichment that is directly subsidized by economic discrimination of their older, tenured employees.

In addition, OhioHealth uses their market size to create a monopsony whereby they can pull the median pay down while continuing to make their operating margins appear better so executives can get bonuses and salary hikes. This hurts their own employees, but more broadly us employees are the community. It hurts us not once by impacting our salaries, but twice by making it harder for us to get and pay for their healthcare services.

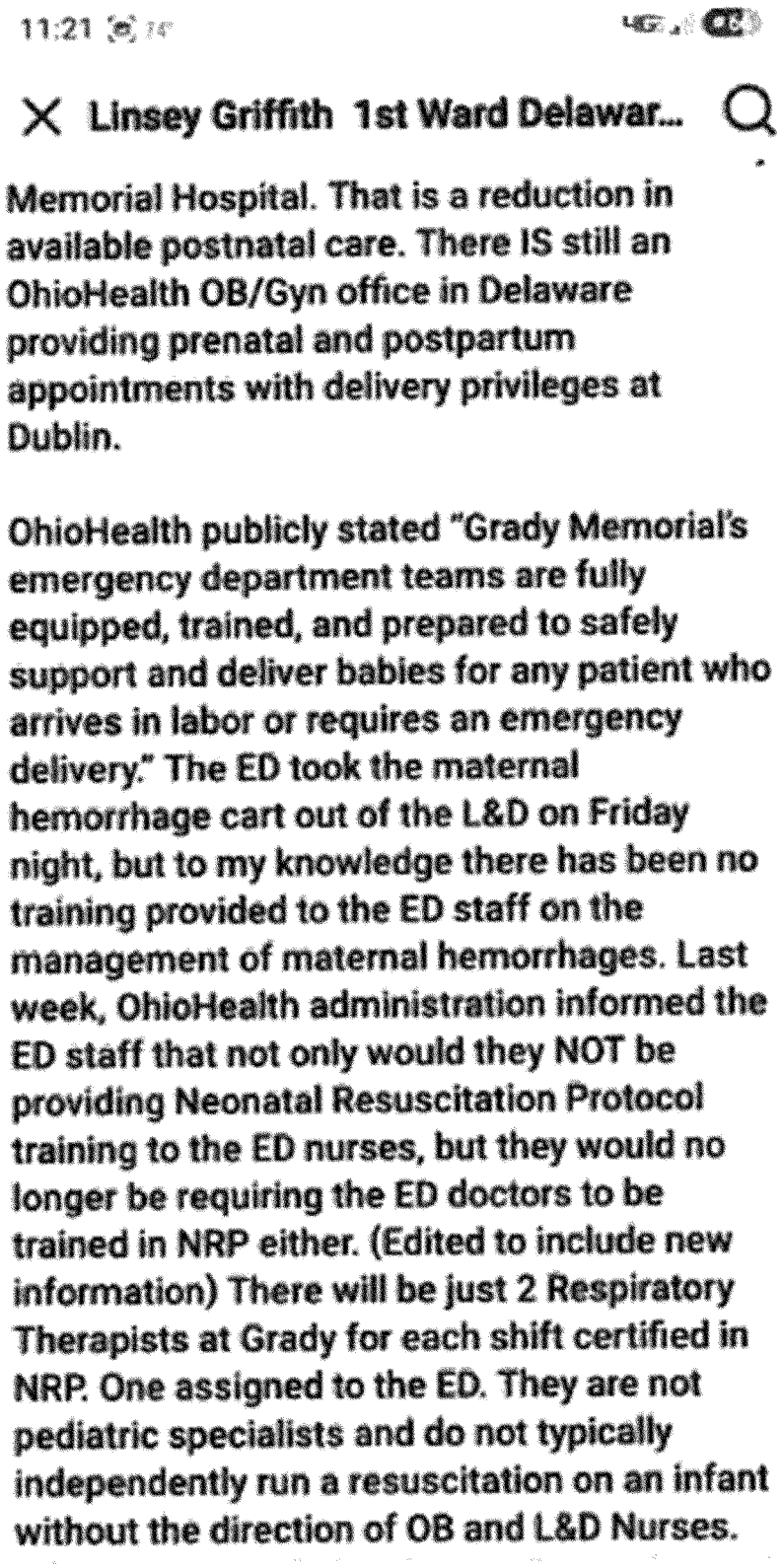
OhioHealth shut down the OB unit at a regional hospital and the details of which I have enclosed below from a local political leader's post on Facebook. OhioHealth stopped caring about their staff and community several years ago and the DOJ continuing to let them hurt our communities over and over again is a frightening look at what the future of healthcare in Ohio and beyond will look like if these

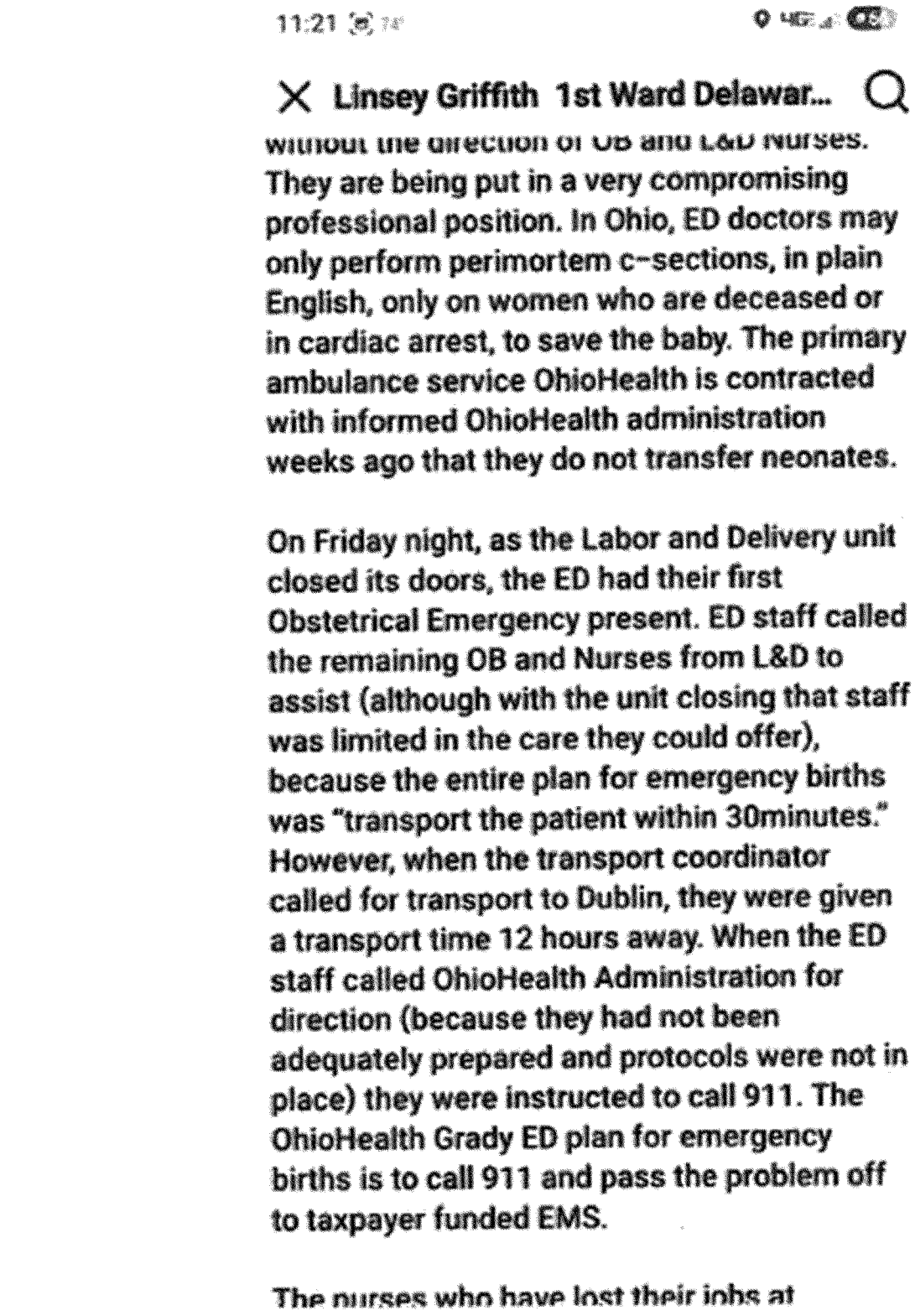
leaders are not stopped. I implore any legal or political levers that you have at your disposal be employed to stop this madness before other healthcare organizations start to use their framework to become money-hungry organizations which were intended to protect and care for the communities they serve. Governments are supposed to protect their people not provide them with frameworks to avoid accountability and consequences.

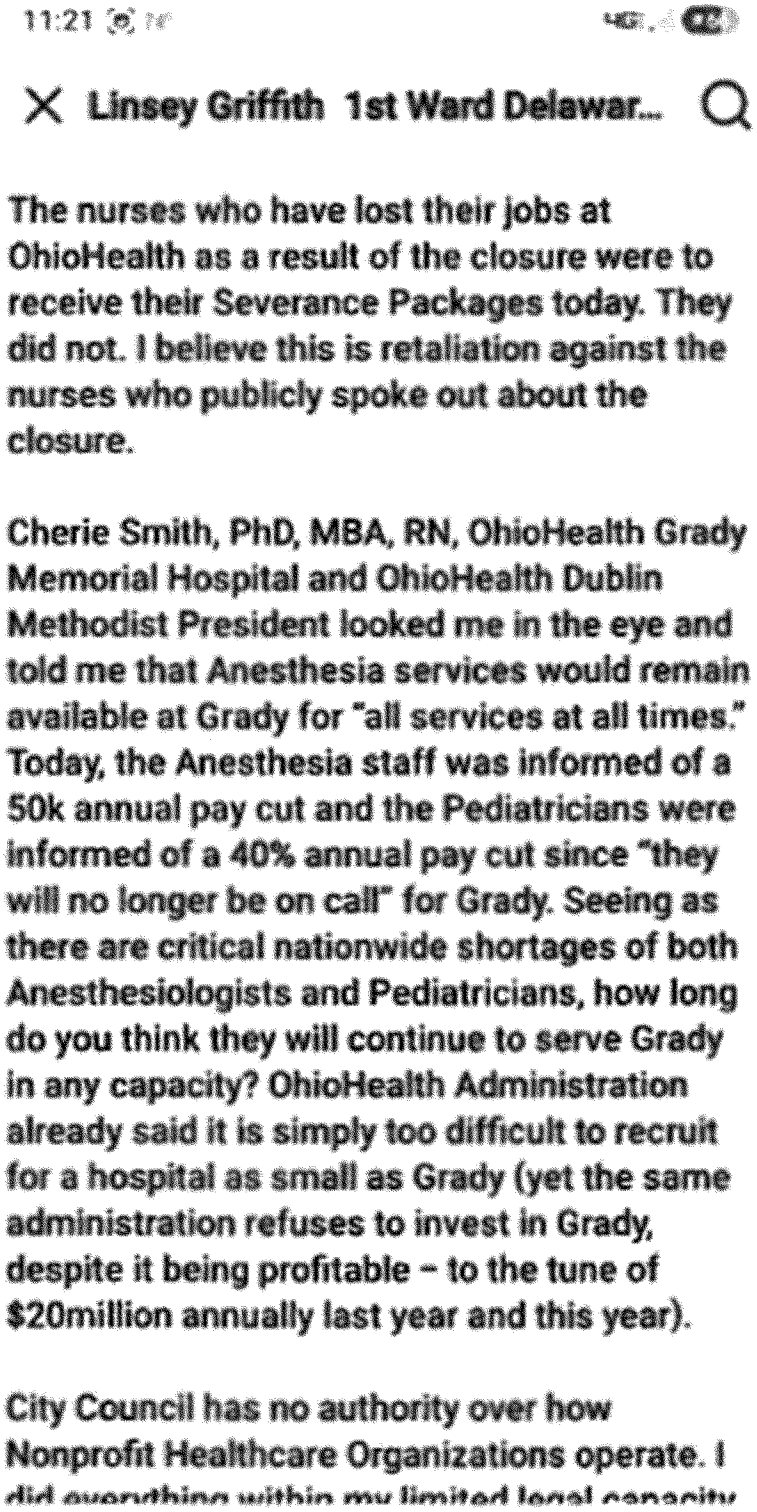
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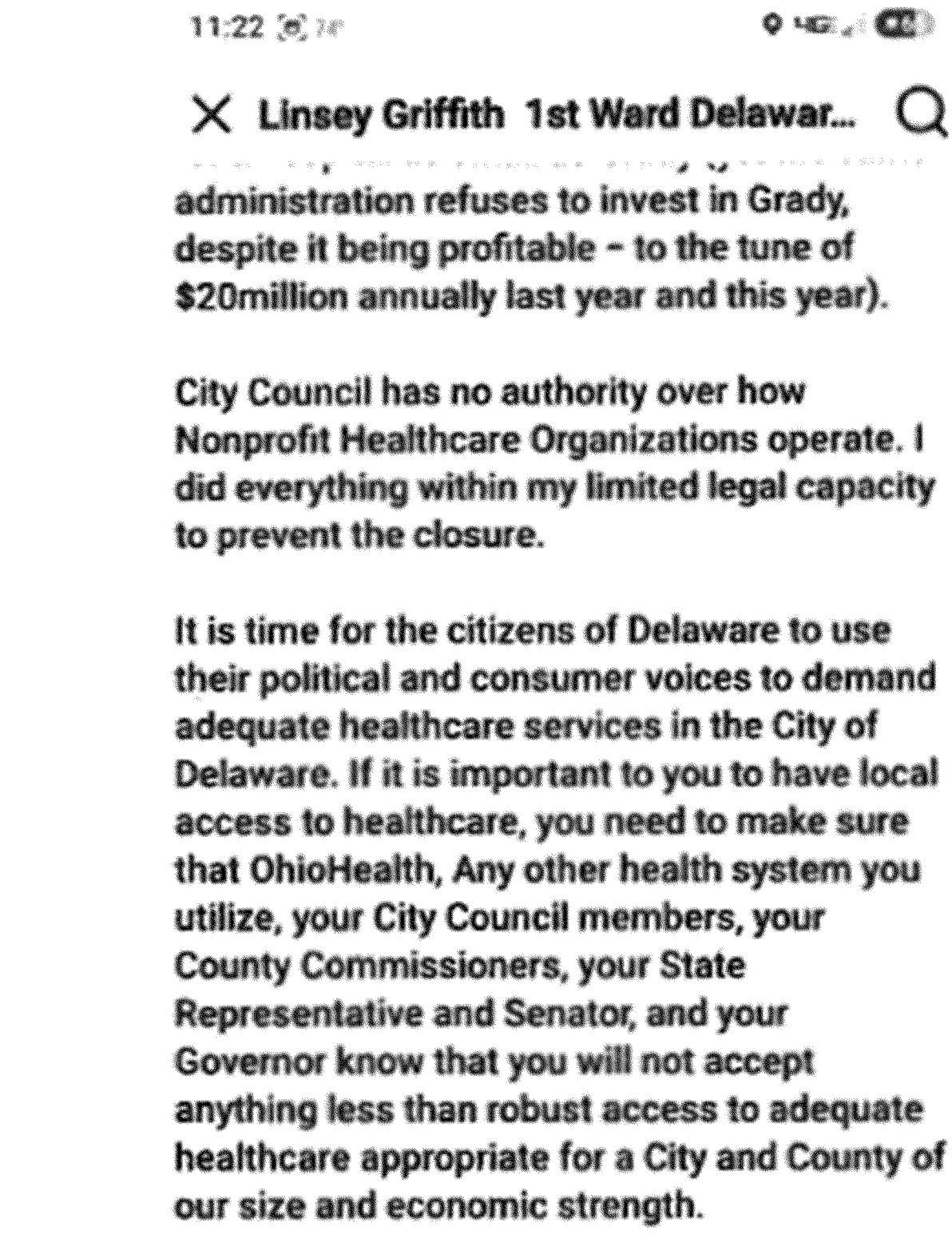
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Linsey Griffith 1st Ward Delaware...
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OhioHealth
BELIEVE IN WE
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As an elected representative serving the PEOPLE of Delaware, I want to post a follow up about OhioHealth's closure of Grady Memorial's Labor and Delivery Unit. I want our citizens to have a full and clear picture of the healthcare services available to them in the City of Delaware.
OhioHealth publicly stated "Prenatal, postnatal and gynecologic care will continue locally in Delaware County, and OhioHealth is expanding women's health services." Prior to the closure, Lactation Services were withdrawn from Grady Memorial Hospital. That is a reduction in


11:21
Linsey Griffith 1st Ward Delawar...
Memorial Hospital. That is a reduction in available postnatal care. There IS still an OhioHealth OB/Gyn office in Delaware providing prenatal and postpartum appointments with delivery privileges at Dublin.
OhioHealth publicly stated "Grady Memorial's emergency department teams are fully equipped, trained, and prepared to safely support and deliver babies for any patient who arrives in labor or requires an emergency delivery." The ED took the maternal hemorrhage cart out of the L&D on Friday night, but to my knowledge there has been no training provided to the ED staff on the management of maternal hemorrhages. Last week, OhioHealth administration informed the ED staff that not only would they NOT be providing Neonatal Resuscitation Protocol training to the ED nurses, but they would no longer be requiring the ED doctors to be trained in NRP either. (Edited to include new information) There will be just 2 Respiratory Therapists at Grady for each shift certified in NRP. One assigned to the ED. They are not pediatric specialists and do not typically independently run a resuscitation on an infant without the direction of OB and L&D Nurses.


11:21
Linsey Griffith 1st Ward Delawar...
without the direction of OB and L&D nurses. They are being put in a very compromising professional position. In Ohio, ED doctors may only perform perimortem c-sections, in plain English, only on women who are deceased or in cardiac arrest, to save the baby. The primary ambulance service OhioHealth is contracted with informed OhioHealth administration weeks ago that they do not transfer neonates.
On Friday night, as the Labor and Delivery unit closed its doors, the ED had their first Obstetrical Emergency present. ED staff called the remaining OB and Nurses from L&D to assist (although with the unit closing that staff was limited in the care they could offer), because the entire plan for emergency births was "transport the patient within 30minutes." However, when the transport coordinator called for transport to Dublin, they were given a transport time 12 hours away. When the ED staff called OhioHealth Administration for direction (because they had not been adequately prepared and protocols were not in place) they were instructed to call 911. The OhioHealth Grady ED plan for emergency births is to call 911 and pass the problem off to taxpayer funded EMS.
The nurses who have lost their jobs at


11:21
Linsey Griffith 1st Ward Delawar...
The nurses who have lost their jobs at OhioHealth as a result of the closure were to receive their Severance Packages today. They did not. I believe this is retaliation against the nurses who publicly spoke out about the closure.
Cherie Smith, PhD, MBA, RN, OhioHealth Grady Memorial Hospital and OhioHealth Dublin Methodist President looked me in the eye and told me that Anesthesia services would remain available at Grady for "all services at all times." Today, the Anesthesia staff was informed of a 50k annual pay cut and the Pediatricians were informed of a 40% annual pay cut since "they will no longer be on call" for Grady. Seeing as there are critical nationwide shortages of both Anesthesiologists and Pediatricians, how long do you think they will continue to serve Grady in any capacity? OhioHealth Administration already said it is simply too difficult to recruit for a hospital as small as Grady (yet the same administration refuses to invest in Grady, despite it being profitable – to the tune of $20million annually last year and this year).
City Council has no authority over how Nonprofit Healthcare Organizations operate. I


11:22
Linsey Griffith 1st Ward Delawar...
administration refuses to invest in Grady, despite it being profitable - to the tune of $20million annually last year and this year).
City Council has no authority over how Nonprofit Healthcare Organizations operate. I did everything within my limited legal capacity to prevent the closure.
It is time for the citizens of Delaware to use their political and consumer voices to demand adequate healthcare services in the City of Delaware. If it is important to you to have local access to healthcare, you need to make sure that OhioHealth, Any other health system you utilize, your City Council members, your County Commissioners, your State Representative and Senator, and your Governor know that you will not accept anything less than robust access to adequate healthcare appropriate for a City and County of our size and economic strength.

TC-004

LEUKEMIA & LYMPHOMA SOCIETY® is now

Blood Cancer United

Mail Center:
1201 15th Street N.W., Suite 410
Washington, DC 20005
914.949.5213
BloodCancerUnited.org

September 21, 2026

Jill Maguire, Acting Chief
Healthcare and Consumer Products Section,
Antitrust Division, Department of Justice
450 Fifth Street NW, Suite 4100, Washington, DC 20530
Via email: *ATR.Public-Comments-Tunney-Act-MB@usdoj.gov*

RE: Public Comment Regarding *United States, et al. v. OhioHealth Corporation*; Proposed Final Judgment and Competitive Impact Statement

Dear Acting Chief Maguire,

Blood Cancer United appreciates the opportunity to comment on the proposed Final Judgment and competitive impact statement in the matter of *United States, et al. v. OhioHealth Corporation*, Civil Action No. 2:26-cv-207.

At Blood Cancer United, our mission is to cure blood cancer and improve the quality of life of all patients and their families. To achieve it, we unite a community of people — patients and their families, volunteers, healthcare providers, scientists, staff, partners, fundraisers, and philanthropists — who believe all blood cancer patients deserve longer, fuller lives. We fund innovative research, offer free resources and personalized support, and advocate at the state and national levels for more accessible and affordable healthcare for all patients.

The proposed Final Judgment settles the alleged antitrust law violations arising from anticompetitive contract restrictions imposed by the Defendant on health insurers and employers. These restrictions are alleged to have effectively deprived Columbus-area employers and consumers of the choice of lower-cost health plan options and reduced competition among hospitals. We agree that the proposed Final Judgment achieves all or substantially all of the relief the United States would have obtained through litigation, while avoiding the time, expense, and uncertainty of a full trial on the merits. However, before addressing the settlement terms, we must note that it comes at a point in time after Defendant has already achieved a dominant market position through acquisitions of other hospitals, outpatient facilities, and physician groups. This market power allowed it to demand contractual provisions from payors to restrict steering to lower-cost hospitals and other providers and to limit transparency.

Healthcare Consolidation and Anticompetitive Contracting

Our work includes policies that control healthcare costs because our patients already struggle to bear the high financial burden of their care, and consolidation has an outsized impact on cancer patients.[1] Unaffordable healthcare costs are mostly attributed to hospital care, and healthcare consolidation has been increasing over time to the detriment of the patients we represent. As consolidation has reduced competition between hospitals and concentrated smaller providers under the umbrella of large healthcare systems, fewer markets offer sufficient competition to serve as a lever for controlling costs. Between 1998 and 2021, over 1,800 hospital mergers led to a decrease of approximately 2,000 hospitals around the country. By 2024, just one or two health systems controlled the entire market for inpatient care in nearly half of metropolitan areas.[2] This trend is leading to higher prices and reduced access to quality care particularly in rural areas.[3]

A smaller number of enormous health systems increasingly dominate several U.S. markets, enabling hospitals and providers to demand higher reimbursement from commercial payors through monopolistic market power.[4] This market power, including the contractual provisions that these health systems insist on in their agreements with payors, has a significant impact on the patients served by these health systems. A recent study analyzed confidential documents that were disclosed during the *Sidibe v. Sutter Health* antitrust lawsuit in Northern California. The study found that, because of "all-or-nothing" contracts, Sutter hospitals' prices increased to over thirty percent higher than its peers, as the terms insulated the system from competitive price pressures.[5] Ultimately, insurers and employers pass the burden of provider price increases onto consumers through higher premiums and out-of-pocket costs—and in the case of employers, reduced wages.[6]

To combat this trend, antitrust enforcement is an important mechanism to restrain harmful behavior and protect consumers from increased prices and reduced quality of care. While a settlement or consent decree that limits potential harm and incorporates ongoing monitoring can be an effective tool, it should not be the first line of defense. A better approach would be to prevent dominant players from coming into existence through stricter laws banning anticompetitive tactics and heightened antitrust

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[1] Healthcare Consolidation is Raising Prices and Jeopardizing Cancer Patient Care: Policymaker Recommendations, The Leukemia and Lymphoma Society, March 2024. https://lls.org/sites/default/files/2024-03/consolidation-report.pdf

[2] KFF, One or Two Health Systems Controlled the Entire Market for Inpatient Hospital Care in Nearly Half of Metropolitan Areas in 2024, March 27, 2026. https://www.kff.org/health-costs/one-or-two-health-systems-controlled-the-entire-market-for-inpatient-hospital-care-in-nearly-half-of-metropolitan-areas/#.

[3] Henke, R.M., Fingar, K.R., Jiang, H.J., Liang, L., & Gibson, T.B. (October 2021). Access to obstetric, behavioral health, and surgical inpatient services after hospital mergers in rural areas. Health Affairs, 40(10), 1627–1636. https://doi.org/10.1377/hlthaff.2021.00160; O'Hanlon, C.E., Kranz, A.M., DeYoreo, M., Mahmud, A., Damberg, C.L., & Timbie, J. (December 2019). Access, quality, and financial performance of rural hospitals following health system affiliation. Health Affairs, 38(12), 2095–2104. https://doi.org/10.1377/hlthaff.2019.00918.

[4] Gaynor, M. (February 14, 2018). Examining the impact of health care consolidation. Statement before the Committee on Energy and Commerce Oversight and Investigations Subcommittee, U.S. House of Representatives. https://docs.house.gov/meetings/IF/IF02/20180214/106855/HHRG-115-IF02-Wstate-GaynorM-20180214.pdf.

[5] Melnick G., Fonkych K. Are "all or nothing" contracts by hospital systems anti-competitive?—evidence from a recent antitrust lawsuit. J Hosp Manag Health Policy 2024;8:21. https://jhmhp.amegroups.org/article/view/8976/html.

[6] Gaynor, M. (February 14, 2018). Examining the impact of health care consolidation. Statement before the Committee on Energy and Commerce Oversight and Investigations Subcommittee, U.S. House of Representatives. https://docs.house.gov/meetings/IF/IF02/20180214/106855/HHRG-115-IF02-Wstate-GaynorM-20180214.pdf.

investigations of proposed mergers and acquisitions and challenges of transactions that create competitive risks.[7]

A recent example of such an investigation that successfully prevented a transaction that threatened to reduce competition involved an attempt by the Defendant in this matter to acquire a small hospital system in Ohio – Fairfield Medical Center (FMC) – that was in financial distress. We applaud the work of the Federal Trade Commission (FTC), in collaboration with the Ohio Attorney General's Office, to encourage FMC to seek, and ultimately find, an alternative buyer (Adena Health) that did not raise concerns over competition.[8] The FTC's statement helps to clarify how it will interpret whether a financially distressed seller adequately searched for alternative purchasers as part of the failing firm defense in response to antitrust action. This scrutiny prevented Defendant from amassing even more market power and should be applied more often to curb harmful healthcare consolidation.

Prohibited Conduct

The proposed Final Judgment prohibits Defendant from enforcing or attempting to enforce certain contract provisions that prohibit, deter, prevent, or Penalize Steering, Steered Plans, or Transparency, as those capitalized terms are defined therein, and declares such provisions void and unenforceable.

These terms are similar to other antitrust enforcement action settlements or consent decrees. We especially support what appears to be the novel inclusion of "make-whole" provisions – requiring a payor to make a lump sum payment to the hospital system in the event of "an adverse and material financial impact" – in the proposed Final Judgment. Anticompetitive contract provisions, including steering, tiering, all-or-nothing, most-favored, and make-whole provisions, and gag clauses prohibiting transparency are commonly used by dominant parties to limit competition, yield higher volume, and obtain higher reimbursement to the detriment of patients and consumers. We commend the prohibition of these contract provisions and specified conduct in clear terms as reflected in Exhibit A.

We recognize that anticompetitive agreements can take many forms, including outside the scope of a formal written or express agreement. This possibility makes it even more important that the proposed Final Judgment gives the U.S. Attorney General and the Attorney General of the State of Ohio the right to inspect and copy all materials and conduct interviews of Defendant's representatives related to this matter. This provision is a necessary remedy, but it may prove to be insufficient on its own, and we encourage federal and state officials to maximally use these authorities in monitoring the Defendant's compliance with this proposed Final Judgment.

Pricing Transparency

The proposed Final Judgment prohibits Defendant from imposing contract restrictions that act effectively as gag rules, preventing payors from providing truthful information to employers and patients about the prices of healthcare services they may receive. This restriction deprives patients of price information in

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[7] Simonsen Sussman, Blood Cancer United, An Analysis of Effective Legal Remedies to Protect Patients from Harmful Healthcare Consolidation, June 2026, https://static1.squarespace.com/static/6847335fc61f604ce7356030/t/6a4277dc5296c524f05a47b3/1782740979076/An+Analysis+of+Effective+Legal+Remedies+to+Protect+Patients+from+Harmful+Healthcare+Consolidation.

[8] Press Release, Fed. Trade Comm'n, Statement Regarding Fairfield Medical Center's Sale to Adena Health (Sept. 2, 2026), https://www.ftc.gov/news-events/news/press-releases/2026/09/statement-regarding-fairfield-medical-centers-sale-adena-health.

violation of federal law prohibiting the use of gag clauses in contracts between group health plans and healthcare providers.[9]

The proposed Final Judgment could require greater pricing transparency from Defendant. For instance, Defendant could be required to:

- Prominently disclose the availability of financial assistance on its main website and payment portal, including links to the financial assistance application.
- Provide a plain-language notice about financial assistance with a paper copy of the application before initiating collection activities, including before referring any bill to collections.[10]

These additional disclosure requirements would more directly address financial harm to patients as a result of Defendant's past contract restrictions. Mandating greater price transparency in patient-facing communications helps enable patients to make informed decisions about their healthcare and seek lower-cost providers and financial assistance where possible.

Appointment of Monitor

We commend the appointment of a monitor who has the power and authority to monitor Defendant's compliance with the terms of the proposed Final Judgment, including retaining agents and consultants, at the Defendant's cost and expense.

Ongoing monitoring is essential to ensure the Defendant's harmful behavior has ceased. The proposed Final Judgment requires Defendant to submit quarterly reports to each Plaintiff and the monitor concerning its contract activity with payors for a period of five years. We support monitoring as an effective way to curb harmful behavior, for as long a period as reasonable. A longer monitoring period (e.g. ten years) would provide better oversight and foster institutional reform by prolonging the Defendant's ability to wait out the monitoring period and resume its anticompetitive contracting behavior.

Future Considerations

Increased scrutiny of healthcare consolidation and passage of stricter laws and policies banning harmful practices is needed to best protect consumers from the effects of anticompetitive behavior. Any healthcare transaction – horizontal, vertical, or cross-market – of any size (in the case of serial or roll-up transactions) has the potential to give a party dominance in a market and allow it to impose anticompetitive contract terms, among other anticompetitive actions.[11] Relying on enforcement actions after a deal has closed, and the damage is done, may be necessary in some cases, but it falls short of preventing harm to competition. We offer these additional recommendations for the relevant enforcement agencies as they continue this important work:

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[9] Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020).

[10] 26 CFR § 1.501(r)-6 (notification is required before extraordinary collection actions, which are defined to include certain sales to debt buyers but not referrals to debt collectors—which is more common). This recommendation goes further than current regulations, which do not require providing a paper copy of the application or specific notification about financial assistance before referring a bill to collections.

[11] Simonsen Sussman, Blood Cancer United, An Analysis of Effective Legal Remedies to Protect Patients from Harmful Healthcare Consolidation, June 2026, https://static1.squarespace.com/static/6847335fc61f604ce7356030/t/6a4277dc-5296-524f05a47b3/1782740979076/An+Analysis+of+Effective+Legal+Remedies+to+Protect+Patients+from+Harmful+Healthcare+Consolidation.

- Ensure robust funding for agencies to have sufficient capacity to investigate a wider swath of anticompetitive consolidation and monopolistic behavior.
- Continue close collaboration and information sharing with State Attorneys General to identify and investigate potential anticompetitive transactions and fully enforce antitrust protections.
- Analyze smaller-value and "roll-up" transactions from a cumulative standpoint rather than an individual transaction basis.
- Evaluate healthcare mergers with a holistic framework that considers the disproportionate impact consolidation has on medically underserved communities.
- Impose meaningful conditions on health care transactions that prevent undue price increases for patients and payors.

Conclusion

Blood Cancer United appreciates the opportunity to comment on the proposed Final Judgment in this matter. We support the Department's efforts to address antitrust violations and encourage moving upstream to prevent anticompetitive behavior and promote competition, in furtherance of containing and lowering healthcare costs for patients and consumers.

Sincerely,



Kinika Young
Director, Legal Advocacy

[FR Doc. 2026–22618 Filed 11–4–26; 8:45 am]
BILLING CODE 4410–11–C

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1791]

Importer of Controlled Substances Application: Noramco

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Noramco has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on, or objections to the issuance of the proposed registration on or before December 7, 2026. Such persons may also file a written request for a hearing on the application on or before December 7, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on September 21, 2026, Noramco, 500 Swedes Landing Road, Wilmington, Delaware 19801–4417, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid.	2010	I.
Marihuana	7360	I.
Tetrahydrocannabinols	7370	I.
Methadone-Intermediate	9254	II.
Opium, Raw	9600	II.
Opium Extracts	9610	II.
Opium Fluid Extract	9620	II.
Opium Tincture	9630	II.
Opium, Powdered	9639	II.
Opium, Granulated	9640	II.
Opium Poppy/Poppy Straw.	9650	II.
Noroxymorphone	9668	II.
Poppy Straw Concentrate.	9670	II.
Tapentadol	9780	II.

The company plans to import Poppy Straw Concentrate (9670) to bulk manufacture other controlled substances for distribution to its customers. The company plans to import an intermediate form of Tapentadol (9780) to bulk manufacture Tapentadol for

distribution to its customers. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to import a synthetic cannabidiol and a synthetic Tetrahydrocannabinol. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–22553 Filed 11–4–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1796]

Bulk Manufacturer of Controlled Substances Application: Navinta LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Navinta LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 4, 2027. Such persons may also file a written request for a hearing on the application on or before January 4, 2027.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on October 12, 2026, Navinta LLC, 1499 Lower Ferry Road, Ewing, New Jersey 08618–1414, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Remifentanil	9739	II.

The company plans to bulk manufacture the listed controlled substances for distribution to their customers. No other activity for this drug code is authorized for this registration.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–22556 Filed 11–4–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1795]

Importer of Controlled Substances Application: Diamond Animal Health, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Diamond Animal Health, Inc., has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before December 7, 2026. Such persons may also file a written request for a hearing on the application on or before December 7, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 19, 2026, Diamond Animal Health, Inc., 2538 Southeast 43rd Street Des Moines, Iowa 50327–1538, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Pentobarbital	2270	II

The company plans to import the listed controlled substance to support the manufacture of the schedule III (N) finished dosage form Euthasol. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Justin Wood,

Deputy Assistant Administrator.

[FR Doc. 2026–22555 Filed 11–4–26; 8:45 am]

BILLING CODE 4410–09–P

LEGAL SERVICES CORPORATION

Pro Bono Innovation Fund Process for Applying for 2027 Grants

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) issues this Notice describing the conditions for applying for 2027 Pro Bono Innovation Fund Grants.

DATES: Submissions must be received by LSC on or before 11:59 p.m. EST on Wednesday, January 13, 2027.

ADDRESSES: All submissions must be submitted electronically through GrantEase, LSC's Grant Management System.

FOR FURTHER INFORMATION CONTACT: Katherine Harris, Special Grant Program Coordinator, Office of Program Performance, Legal Services Corporation, 1825 I Street NW, Suite 800, Washington, DC 20006; (202) 295–1572 or *probonoinnovation@lsc.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

Since 2014, Congress has provided an annual appropriation to LSC ''for a Pro Bono Innovation Fund.'' *See, e.g.,* Consolidated Appropriations Act, 2017, Public Law 115–31, 131 Stat. 135 (2017). LSC requested these funds for grants to ''develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to expand clients' access to high-quality legal assistance.'' LSC Budget Request, Fiscal Year 2014 at 27 (2013). The grants must involve innovations that are either ''new ideas'' or ''new applications of existing best practices.'' *Id.* Each grant would ''either serve as a model for other legal services providers to follow or effectively replicate a prior innovation.'' *Id.* The Senate Appropriations Committee explained that these funds ''will support innovative projects that promote and enhance pro bono initiatives throughout the Nation,'' and the House Appropriations Committee directed LSC ''to increase the involvement of private attorneys in the delivery of legal services to [LSC-eligible] clients.'' Senate Report 114–239 at 123 (2016), House Report 113–448 at 85 (2014).

Since its inception, the Pro Bono Innovation Fund (PBIF) has advanced LSC's goal of increasing the quantity and quality of legal services by funding efforts that more efficiently and effectively involve pro bono volunteers in serving the critical unmet legal needs of LSC-eligible clients. PBIF has three funding categories that are described in further detail below: Project, Sustainability, and Grantee Engagement Scholarships.

I. Funding Opportunities Information

A. Eligible Applicants

To be eligible for PBIF Grants, Applicants must be current grantees of LSC Basic Field-General, Basic Field-Migrant, or Basic Field-Native American Grants. To be eligible for a Sustainability Grant, Applicants must also have a 2025 PBIF Project Grant. To be eligible for a Grantee Engagement Scholarship, an organization cannot have an active PBIF Grant between October 1, 2027 and September 30, 2028.

B. PBIF Purpose and Key Goals

PBIF Grants develop, test, and scale innovative pro bono efforts that can enable LSC grantees to use pro bono volunteers to serve more significant numbers of low-income clients and improve the quality and effectiveness of the services provided. The key goals of the PBIF are to:

1. Address gaps in the delivery of legal services to low-income people;
2. Engage more lawyers and other volunteers in pro bono service;
3. Develop, test, and scale innovative pro bono efforts.

C. Funding Categories

1. Project Grants

Project Grants aim to leverage volunteers to provide client-centered legal assistance in areas of critical need. Consistent with the key goals of PBIF, Applicants are encouraged to focus on engaging volunteers to increase free civil legal aid for Americans with low incomes by proposing new ideas or adapting effective models in a new context.

Applicants are strongly encouraged to research previous PBIF projects to scale or improve them. LSC is particularly interested in applications that build on projects previously funded with ''Sustainability'' Grants.

Project Grants have a 24-month term.

2. Sustainability Grants

Sustainability Grants are available to current PBIF grantees who received a 2025 Project Grant. Sustainability Grants provide the most promising and scalable PBIF projects with an additional 24 months of funding, enabling grantees to leverage new revenue sources and collect meaningful data to demonstrate results and outcomes to clients and volunteers. Applicants for Sustainability Grants are asked to propose an ambitious strategy to reduce reliance on PBIF funding during the Sustainability Grant term.

Sustainability Grants have a 24-month term.

3. Grantee Engagement Scholarships

Grantee Engagement Scholarships provide organizations with opportunities to continue their professional and programmatic growth through peer learning and knowledge sharing with the PBIF Team and the community.

Grantee Engagement Scholarships have a 12-month term.

D. Available Funds for 2027 Grants

The availability of funds for FY27 PBIF Grants depends on LSC's appropriation. LSC's FY27 funding level remains unknown. Decisions on FY27 PBIF Grants will be made in summer 2027, with LSC providing updated funding details as they become available.

E. Grant Terms

PBIF awards have grant terms of 12 or 24 months, depending on the grant category.

	12 Months	24 Months
Project Grants	X	✓
Sustainability Grants	X	✓
Grantee Engagement Scholarship	✓	X

Applicants for Grantee Engagement Scholarships will apply for a 12-month grant. Applicants for Project and Sustainability Grants will apply for a 24-month grant. The grant activities described in the application must cover the full proposed grant term, which commences on October 1, 2027.

II. Grant Application Process

A. PBIF Grant Application Process

The PBIF Application process is managed in LSC's grants management system, GrantEase. Project & Sustainability Applicants must first submit a Pre-Application to LSC in GrantEase by January 13, 2027, to be considered for funding. After review by LSC staff, LSC's President decides which Applicants will be invited to submit a Full Application. Applicants will be notified of invitations by March 2027. Full Applications are due to LSC in the GrantEase system on May 6, 2027. Once received, Full Applications will undergo a rigorous review by LSC staff and other subject matter experts. LSC's President makes the final decision on funding for all PBIF Grants.

Grantee Engagement Scholarship Applicants will submit a Full Application to LSC in GrantEase by January 13, 2027, to be considered for funding. Full Applications will undergo a rigorous review by LSC staff. LSC's President makes the final decision on funding for all PBIF Grants. The decision on Grantee Engagement Scholarship funding will be made contemporaneously with Project and Sustainability funding decisions.

B. Late or Incomplete Submissions

LSC may consider a request to submit after the deadline, but only if the Applicant has submitted an email to *probonoinnovation@lsc.gov* by January 11, 2027, explaining the circumstances that caused the delay. Communication with LSC staff, including assigned LSC Special Grant staff contacts, is not a substitute for sending a formal request and explanation to *probonoinnovation@lsc.gov.* At its discretion, LSC may consider incomplete submissions. LSC will determine the admissibility of late or incomplete submissions on a case-by-case basis.

C. Multiple Submissions

Applicants may apply for more than one grant, either within the same funding category or across different categories. If applying for multiple grants, Applicants should submit separate Pre-Applications or Applications for each funding request.

D. Additional Information and Guidelines

Additional guidance and instructions on applying for a PBIF Grant will be available and regularly updated at *https://www.lsc.gov/grants/pro-bono-innovation-fund.*

(Authority: 42 U.S.C. 2996g(e).)

Dated: November 2, 2026.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2026–22542 Filed 11–4–26; 8:45 am]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting Special Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications to make subgrants of LSC Special Grant Funds, including Technology Initiative Grant, Pro Bono Innovation Fund, and Disaster Relief Grant funds.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income households. LSC hereby announces the submission dates for applications to make subgrants of its Special Grant funds. LSC also is providing information about where applicants may locate subgrant application questions and directions for providing the information required to apply for a subgrant.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 1825 I Street NW, Suite 800, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement at *lacchinim@lsc.gov* or (202) 295–1506, or visit the LSC website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on LSC's website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application on LSC's website satisfy § 1627.4(b)'s notice requirement for LSC Special Grant programs. Only current or prospective recipients of LSC Special Grants may apply for approval to subgrant these funds.

An applicant must submit an application to make a subgrant of LSC Special Grant funds at least 45 days in advance of the subgrant's proposed effective date. 45 CFR 1627.4(b)(2).

All applicants must provide answers to the application questions in GrantEase and upload the following documents:

- A draft subgrant agreement (with the required terms provided in LSC's Special Grant Subgrant Agreement Template); and
- A subgrant budget (using LSC's Subgrant Budget Template).

Applicants seeking to subgrant to a new subrecipient that is not a current LSC grantee or applying to renew a subgrant with an organization that is not a current LSC grantee in a year in which the applicant was not already required to submit the documents listed below as a part of an application to subgrant LSC Basic Field funds, must also upload:

- The subrecipient's accounting manual;
- The subrecipient's most recent audited financial statements;
- The subrecipient's current cost allocation policy (if not in the accounting manual);
- The recipient's 45 CFR part 1627 policy (required under 45 CFR 1627.7).

A list of subgrant application questions, the Special Grant Subgrant Agreement Template, and the Subgrant Budget Template are available on LSC's website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Special Grant Subgrant Agreement Template as a model subgrant agreement. If the applicant does not use LSC's Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the submitted documents or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through GrantEase by the date requested.

As required by 45 CFR 1627.4(b)(3), LSC will inform applicants of its decision to disapprove, approve, or request modifications to the subgrant no later than the subgrant's proposed effective date.

Authority: (42 U.S.C. 2996g(e).)

Dated: October 28, 2026.

Stefanie Davis

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2026–22543 Filed 11–4–26; 8:45 am]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2026–6]

Music Streaming Fraud

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry; extension of comment period.

SUMMARY: The United States Copyright Office is extending the deadline for the submission of written comments in response to its October 7, 2026, notice of inquiry in connection with an inquiry regarding issues related to music streaming fraud.

DATES: The comment periods for the notice of inquiry published at 91 FR 64188 on October 7, 2026, are extended. Initial written comments are due no later than 5:00 p.m. Eastern Time on Friday, December 18, 2026. Written reply comments are due no later than 11:59 p.m. Eastern Time on Friday, January 29, 2027.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments should be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office website at *https://*

www.copyright.gov/policy/music-streaming-fraud. If electronic submission of comments is not feasible due to lack of access to a computer or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at *USCOGeneralCounsel@copyright.gov* or by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: On October 7, 2026, the U.S. Copyright Office issued a notice of inquiry seeking comments from the public on several questions regarding music streaming fraud.[1] The notice set a deadline for initial written comments to be submitted by November 23, 2026, and for reply comments to be submitted by December 21, 2026.

To ensure that members of the public have sufficient time to prepare responses to the Office's questions, and to ensure that the Office can proceed on a timely basis with its inquiry into the issues identified in its notice with the benefit of a complete record, the Office is extending the comment submission deadlines as set forth here. Initial written comments will now be due no later than 5:00 p.m. Eastern Time on December 18, 2026. Reply comments will be due no later than 11:59 p.m. Eastern Time on January 29, 2027.

Dated: November 3, 2026.

Emily L. Chapuis,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2026–22602 Filed 11–4–26; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL SCIENCE FOUNDATION

Privacy Act of 1974; System of Records

AGENCY: National Science Foundation.

ACTION: Notice of a new system of records.

SUMMARY: NSF proposes to establish Privacy Act systems of records to track and manage matters pertaining to the agency's awardee compliance program, reasonable accommodation program, and sexual assault and harassment prevention and response program. These systems support the agency's efforts to ensure that complaints and inquiries received or handled by these programs are timely and appropriately acknowledged, processed, and documented.

DATES: Persons wishing to comment on these proposed agency systems may do so on or before December 7, 2026. These new systems of records will become final and effective without further notice on December 7, 2026 unless modified by subsequent notice to reflect public comments, if any, on the proposed system(s).

ADDRESSES: You may submit comments on these proposed systems, identified by ''NSF–84,'' ''NSF–85,'' and/or ''NSF–86,'' as applicable, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Docket number NSF–2026–OTR–0067. Follow the instructions for submitting comments.
- *Email:* Tom Boger, Acting Senior Agency Official for Privacy (SAOP), *privacy@nsf.gov.* Include ''NSF–84,'' ''NSF–85,'' and/or ''NSF–86,'' as applicable, in the subject line of the message.
- *Mail:* Tom Boger, Acting SAOP, Office of the Chief Information Officer, NSF, 401 Dulany Street, Alexandria, VA 22314.

NSF intends to post all in-scope comments publicly. All comments submitted in response to this Notice will become a matter of public record. Do not include any information of a sensitive or confidential nature about yourself or others.

FOR FURTHER INFORMATION CONTACT: For information regarding the proposed Privacy Act systems of records, contact Tom Boger, Acting SAOP, Office of the Chief Information Officer, NSF, 401 Dulany Street, Alexandria, VA 22314, *privacy@nsf.gov.* For information regarding NSF's awardee compliance contact NSF Office of Civil Rights, 401 Dulany Street, Alexandria, VA 22314 *ACB@nsf.gov,* and for information on the reasonable accommodation program, contact the NSF Office of Civil Rights, 401 Dulany Street, Alexandria, VA 22314, *rarequests@nsf.gov.* For information regarding NSF's sexual assault and harassment prevention and response program, contact Renée Ferranti, Program Manager, NSF, 401 Dulany Street, Alexandria, VA, *saferscience@nsf.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, NSF is publishing a proposed Privacy Act system of records notice (SORN) for the case management system in support of each of the NSF administrative programs described below.

NSF–84: Awardee Compliance Case Management System

This SORN is intended to establish the NSF Office of Civil Rights (OCR) electronic case management system (CMS) for receiving, tracking, managing, and responding to complaints or reports received from victims, witnesses, or other individuals alleging discrimination, harassment, or retaliation in programs and activities that receive financial assistance from NSF (*e.g.,* NSF grants, cooperative agreements). Individuals may file a complaint or report through the online Web-based CMS by registering and creating a CMS user account. (Witnesses or other third parties may also file a complaint or report of discrimination, harassment, or retaliation on behalf of another individual through the CMS, but only with that individual's consent.) For Privacy Act purposes, all complaints, reports, or other records in the CMS are to be treated as records ''about'' the subject individual (*i.e.,* victim of the alleged discrimination, harassment, or retaliation), *see* 5 U.S.C. 552a(a)(4) (defining Privacy Act ''record'') and are to be maintained and retrieved only by the case number or other identifier personally assigned to the subject individual, and not by any other third-party individual who may also be identified in such records (*e.g.,* alleged violator, witnesses).

To the extent the system's online form constitutes an information collection activity subject to U.S. Office of Management & Budget (OMB) approval under the Paperwork Reduction Act (PRA), the form was approved by OMB and assigned Control No. 3145–0288 (National Science Foundation Office of Civil Rights Case Management System) on April 8, 2026.

NSF–85: Reasonable Accommodation Request E-Filing System

This SORN is intended to establish the NSF OCR electronic filing system pertaining to NSF employees, job applicants, and individuals conducting business at NSF who have requested a ''reasonable accommodation'' under applicable Federal law (*e.g.,* assistive technology, accessibility, support services, or other adjustments or modifications to the work environment under the Rehabilitation Act of 1973, as amended). Individuals may initiate such a request electronically by registering and creating an account in the online Web-based e-filing system, which will then allow them to submit information about their accommodation request, and to view the status of any request that they originally created in the system.

[1] 91 FR 64188 (Oct. 7, 2026).

Account registration data, reasonable accommodation requests, and other system records collected by the program to process or track the status of such requests are to be maintained and retrieved by the name, email, or other personally assigned identifier of the subject individual for whom the reasonable accommodation is being requested.

Information about reasonable accommodations may also be found in health and safety records for NSF staff and visitors (NSF–78) and administrative records compiled on users of NSF's health unit or other NSF workplace health programs (NSF–79). *See* 86 FR 66340 (Nov. 22, 2021). Those record systems are separately managed by NSF's human resources division, and OCR is not proposing to duplicate those records in maintaining its own system to track, manage, or respond to reasonable accommodation requests filed with OCR.

NSF–86: Sexual Assault and Harassment Prevention and Response Program (SAHPR) Case Management Tracking System

This SORN is intended to establish an electronic CMS in support of NSF's SAHPR program, which serves as a central agency point of contact for coordinating the agency's response to sexual assault, sexual harassment, and stalking incidents occurring in connection with NSF-funded programs or activities, and for overseeing training and other comprehensive practices to prevent such incidents. The SAHPR program does not provide legal advice or conduct investigations but supports individuals impacted by sexual assault, sexual harassment and stalking, by providing information on how and where to report incidents and available advocacy and supportive resources, helping them with accessing support during investigative and medical processes, safety planning, and assisting them with obtaining other related support or service needs. Accordingly, the SAHPR system records may include notes or information about the reported incident and how it was handled or addressed. These notes or information may include, for example, whether the matter was referred to: NSF OCR, if it involves a complaint or report of harassment, discrimination, or retaliation handled and reviewed by that office, *see* SORN NSF–84, discussed above; to the NSF's Office of Inspector General (OIG), which maintains its own investigatory records system, *see* NSF–52, 83 FR 8903 (Mar. 1, 2018); to the individual's institution for investigation; or to law enforcement, human resources, or other appropriate authorities. The SAHPR CMS records are to be maintained by a case number assigned to the incident or inquiry and retrieved from the system by that number or the name of the impacted individual. Incident records may in some cases include information about third parties (*e.g.,* alleged offenders, witnesses) but system records are not maintained or retrieved by those individuals' names or any other personally assigned identifiers. Such third-party information is collected and maintained in the impacted individual's records only as needed to assist the SAHPR program in tracking and coordinating the agency's response to the incident.

The agency's SAHPR system is separate from OIG's investigatory records system and also separate from other systems of service records that may be maintained by private organizations with whom NSF has contracted or otherwise arranged to provide individuals with confidential helpline support, personal counseling, and advocacy, or other informational or support services. For the protection of privacy and to ensure that individuals can access and utilize those services on a confidential and/or anonymous basis, the third-party service records are not part of NSF agency records, are not intended to be accessed or maintained by or on behalf of NSF, and are not to be disclosed or shared by these service providers unless required or authorized by law (*e.g.,* mandatory reporting to child or adult protective services, or where the individual has consented to disclosure).

None of the proposed Privacy Act systems of records discussed above is intended to duplicate or overlap with any other existing NSF or Government-wide systems of records under the Privacy Act. In accordance with subsection (r) the Privacy Act, at 5 U.S.C. 552a(r), and Office of Management and Budget (OMB) Circular No. A–108, NSF, in addition to publication of this notice in the **Federal Register**, is also submitting notice of the establishment of these system of records to OMB and to the appropriate Congressional committees. All NSF SORNs, including these SORNs, once made final, may be viewed at *www.nsf.gov/* privacy.

NSF–84

SYSTEM NAME AND NUMBER:

Awardee Compliance Case Management System, NSF–84.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. National Science Foundation (NSF), 401 Dulany Street, Alexandria, VA 22314. Records may also be electronically maintained in remote locations by NSF or contractors on behalf of NSF, including in cloud storage.

SYSTEM MANAGER(S):

Office Head, Office of Civil Rights (OCR), NSF.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.* (race, color, national origin discrimination in Federally assisted programs and activities); Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 *et seq.* (sex discrimination); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (disability discrimination); Age Discrimination Act of 1975, 42 U.S.C. 6101 *et seq.;* Executive Order 13160 (Nondiscrimination in Federally Conducted Education & Training Programs); 45 CFR parts 605, 606, 611, 617, and 618 (NSF implementing regulations); 2 CFR 200.300 (statutory and national policy requirements for Federal awards); and other authorities, as applicable.

PURPOSE(S) OF THE SYSTEM:

To receive, evaluate, process, investigate, and resolve complaints or reports of alleged discrimination, harassment, or retaliation by recipients of NSF awards or funds, including awardee institutions, principal investigators (PIs), co-PIs or others in programs or activities receiving NSF financial assistance. Records are used to determine whether there is jurisdiction under applicable civil rights statutes and NSF implementing regulations for NSF to investigate the complaint and, if appropriate, require remedial or other action, or whether to refer the matter to the agency's Office of Inspector General (OIG), the relevant institution(s), and/or other agencies or entities for investigation, mediation, or other appropriate action, if any. Records may also be used in connection with conducting compliance reviews or other relevant assessments, analyses, and audits; to produce reports; and otherwise used to evaluate or ensure compliance by NSF recipients with codes of conduct, notification, or other requirements under award terms and conditions and applicable Federal antidiscrimination, equal employment, disability, and related laws, regulations, orders, and policies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints alleging discrimination, harassment, or retaliation by awardee institutions, PIs, co-PIs, or others in programs or activities receiving Federal financial assistance from NSF. Records in this system are considered records about the complainant (subject individual) and maintained and retrieved by that individual's name or other personally assigned identifier (*e.g.,* case or tracking number), including records of complaints or reports that a third-party individual may file on behalf of and with the consent of the subject individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, email address, phone number, and other contact information of the complainant (subject individual) and, where applicable, of third-party individuals authorized to file a complaint or report in the system on the subject individual's behalf, including the filing individual's account-related data (*e.g.,* password, system-generated account activity log); description of the alleged discrimination, harassment, or retaliation; the identity of individual(s) allegedly engaged in or responsible for such conduct; the awardee (recipient) institution(s); information about witnesses, if any; proposed or requested action or remedies; whether the complaint has been filed in any other forum; additional supporting documentation, if any; and consent/release form(s) for NSF to investigate and/or disclose the subject individual's records to awardee institution(s) or others. If NSF determines that it has jurisdiction and the complaint is accepted for investigation, additional information relevant to the case may be collected, compiled, generated, and maintained as part of the complaint record and case file.

RECORD SOURCE CATEGORIES:

Complainants (subject individuals), other individuals (*e.g.,* legal representative, family member) whom the subject individual has authorized to file the complaint or report on the subject individual's behalf; witnesses, other agencies or awardee institutions, affected parties and/or respondents (investigatory targets), NSF employees, contractors, publicly available information (*e.g.,* online databases, sites, news media), and other third-party sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The following NSF standard routine uses apply:

1. Members of Congress. Information from a system may be disclosed to congressional offices in response to inquiries from the congressional offices made at the request of the individual to whom the record pertains.

2. Freedom of Information Act/Privacy Act Compliance. Information from a system may be disclosed to the Department of Justice or the Office of Management and Budget to obtain advice regarding NSF's obligations under the Freedom of Information Act and the Privacy Act.

3. Counsel. Information from a system may be disclosed to NSF's legal representatives, including the Department of Justice and other outside counsel, where the agency is a party in litigation or has an interest in litigation and the information is relevant and necessary to such litigation, including when any of the following is a party to the litigation or has an interest in such litigation: (a) NSF, or any component thereof; (b) any NSF employee in his or her official capacity; (c) any NSF employee in his or her individual capacity, where the Department of Justice has agreed to, or is considering a request to, represent the employee; or (d) the United States, where NSF determines that litigation is likely to affect the agency or any of its components.

4. National Archives and Records Administration (NARA). Information from a system may be disclosed to representatives of the National Archives and Records Administration (NARA) during records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

5. Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information. NSF may disclose information from the system:

a. to appropriate agencies, entities, and persons when (1) NSF suspects or has confirmed that there has been a breach of the system of records; (2) NSF has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, NSF (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with NSF efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

b. to another Federal agency or Federal entity, when NSF determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

6. Courts. Information from a system may be disclosed to the Department of Justice or other agencies in the event of a pending court or formal administrative proceeding, when the information is relevant and necessary to that proceeding, for the purpose of representing the government, or in the course of presenting evidence, or the information may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

7. Contractors. Information from a system may be disclosed to contractors, agents, experts, consultants, or others performing work on a contract, service, cooperative agreement, job, or other activity for NSF and who have a need to access the information in the performance of their duties or activities for NSF.

8. Audit. Information from a system may be disclosed to government agencies and other entities authorized to perform audits, including financial and other audits, of the agency and its activities.

9. Law Enforcement. Information from a system may be disclosed, where the information indicates a violation or potential violation of civil or criminal law, including any rule, regulation or order issued pursuant thereto, to appropriate Federal, State, or local agencies responsible for investigating, prosecuting, enforcing, or implementing such statute, rule, regulation, or order.

10. Disclosure When Requesting Information. Information from a system may be disclosed to Federal, State, or local agencies which maintain civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

11. To the news media and the public when: (1) a matter has become public knowledge, (2) the NSF Office of the Director determines that disclosure is

necessary to preserve confidence in the integrity of NSF or is necessary to demonstrate the accountability of NSF's officers, employees, or individuals covered by this system, or (3) the Office of the Director determines that there exists a legitimate public interest in the disclosure of the information, except to the extent that the Office of the Director determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

In addition to the above standard NSF routine uses, the following routine uses apply to this system, *i.e.,* records may also be disclosed:

To the awardee institution or other institution(s) or organization(s) subject to investigation in order to gather information necessary for the agency, law enforcement officials, and/or other authorized authorities to make a compliance determination with respect to the complaint allegations or to conduct compliance monitoring in connection with a resolution agreement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form, including electronic storage media, and may also be electronically maintained in remote locations by NSF or contractors on behalf of NSF, including in cloud storage. In the conduct of agency business, copies may also be printed or maintained in paper format.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be maintained by the subject individual's name and retrieved by personally assigned identifier, such as case tracking number. If a subject individual authorizes a third-party individual to file a complaint or report on the subject individual's behalf, such records will be maintained and retrieved by the same assigned case tracking number or other identifier. Records in this system are not maintained or retrieved by the name or other personally assigned identifier of any third-party individuals who may be identified in such system records (*e.g.,* witnesses, individuals engaged in the alleged conduct).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records will be maintained and destroyed in accordance with applicable records schedules issued or approved by NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable Federal law, rules, and policies, including all applicable NSF automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties. All users are required to take annual NSF IT Security and Privacy Awareness Training, which covers the procedures for handling Controlled Unclassified Information (CUI), including personally identifiable information (PII) subject to the Privacy Act of 1974. Electronic records are maintained in a secure password-protected environment. Permission-level assignments will allow internal agency users access only to those functions for which they are authorized. Paper copies, if any, of system records are maintained in secure, access-controlled areas or buildings, and stored in a locked drawer, behind a locked door, or at a secure offsite location.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves in this system must follow the procedures found at 45 CFR part 613 (NSF Privacy Act Regulations). Individuals who register and create a user account to file a complaint or report in the system may access status information or certain other system data pertaining to their complaint without the need to file a formal written Privacy Act access request under 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613. Individuals who register and create a user account in the system to file a complaint in the system may access and update or modify certain system records pertaining to their complaint without the need to file a formal written Privacy Act amendment request under 45 CFR part 613.

NOTIFICATION PROCEDURES:

See 45 CFR part 613.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

NSF–85

SYSTEM NAME AND NUMBER:

NSF–85, Reasonable Accommodation Request E-Filing System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. National Science Foundation (NSF), 401 Dulany Street, Alexandria, VA 22314. Records may also be electronically maintained in remote locations by NSF or contractors on behalf of NSF, including in cloud storage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 791 *et seq.;* 42 U.S.C. 2000e *et seq.;* 42 U.S.C. 12101 *et seq.;* E.O. 11478; E.O. 13164; 29 CFR parts 1605, 1614, and 1630.

PURPOSE(S) OF THE SYSTEM:

This system is maintained for the purpose of receiving, considering, deciding, and implementing requests for reasonable accommodation made by NSF employees, applicants for NSF employment, and other individuals conducting business at NSF.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSF employees, applicants for employment, and other individuals conducting business at NSF who have requested a reasonable accommodation under applicable Federal law, regulation, and policy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include, but are not limited to, user account and profile data (*e.g.,* name, email address, phone), requests for reasonable accommodation and supporting documents, information concerning the nature of the disability or other reason for the requested accommodation, medical records or other substantiating documentation, notes or records made during evaluation of such requests, including the agency's determination on the request, requests for reconsideration or internal agency appeals; and disposition of all requests and appeals.

RECORD SOURCE CATEGORIES:

Individuals requesting a reasonable accommodation; NSF managers, supervisors, or staff, where applicable; health care providers or others requested to provide supporting documentation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The following NSF standard routine uses apply:

1. Members of Congress. Information from a system may be disclosed to congressional offices in response to inquiries from the congressional offices made at the request of the individual to whom the record pertains.

2. Freedom of Information Act/ Privacy Act Compliance. Information from a system may be disclosed to the Department of Justice or the Office of Management and Budget to obtain advice regarding NSF's obligations under the Freedom of Information Act and the Privacy Act.

3. Counsel. Information from a system may be disclosed to NSF's legal representatives, including the Department of Justice and other outside counsel, where the agency is a party in litigation or has an interest in litigation and the information is relevant and necessary to such litigation, including when any of the following is a party to the litigation or has an interest in such litigation: (a) NSF, or any component thereof; (b) any NSF employee in his or her official capacity; (c) any NSF employee in his or her individual capacity, where the Department of Justice has agreed to, or is considering a request to, represent the employee; or (d) the United States, where NSF determines that litigation is likely to affect the agency or any of its components.

4. National Archives and Records Administration (NARA). Information from a system may be disclosed to representatives of NARA during records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

5. Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information. NSF may disclose information from the system:

a. to appropriate agencies, entities, and persons when (1) NSF suspects or has confirmed that there has been a breach of the system of records; (2) NSF has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, NSF (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with NSF's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

b. to another Federal agency or Federal entity, when NSF determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach, or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

6. Courts. Information from a system may be disclosed to the Department of Justice or other agencies in the event of a pending court or formal administrative proceeding, when the information is relevant and necessary to that proceeding, for the purpose of representing the government, or in the course of presenting evidence, or the information may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

7. Contractors. Information from a system may be disclosed to contractors, agents, experts, consultants, or others performing work on a contract, service, cooperative agreement, job, or other activity for NSF and who have a need to access the information in the performance of their duties or activities for NSF.

8. Audit. Information from a system may be disclosed to government agencies and other entities authorized to perform audits, including financial and other audits, of the agency and its activities.

9. Law Enforcement. Information from a system may be disclosed, where the information indicates a violation or potential violation of civil or criminal law, including any rule, regulation or order issued pursuant thereto, to appropriate Federal, State, or local agencies responsible for investigating, prosecuting, enforcing, or implementing such statute, rule, regulation, or order.

10. Disclosure When Requesting Information. Information from a system may be disclosed to Federal, State, or local agencies which maintain civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

11. To the news media and the public when: (1) a matter has become public knowledge, (2) the NSF Office of the Director determines that disclosure is necessary to preserve confidence in the integrity of NSF or is necessary to demonstrate the accountability of NSF's officers, employees, or individuals covered by this system, or (3) the Office of the Director determines that there exists a legitimate public interest in the disclosure of the information, except to the extent that the Office of the Director determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

In addition to the above standard NSF routine uses, the following routine uses apply to this system, *i.e.,* records may also be disclosed:

12. To an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by the individual requesting the accommodation.

13. To first aid and safety personnel, when appropriate, if the disability might require emergency treatment;

14. To Federal Government officials or any of their assignees charged with the responsibility of investigating NSF's compliance with the Rehabilitation Act of 1973, as amended, or other applicable authorities.

15. To the U.S. Office of Management and Budget (OMB), Department of Labor (DOL), Office of Personnel Management (OPM), Equal Employment Opportunity Commission (EEOC), or Office of Special Counsel (OSC) to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form, including electronic storage media, and may also be electronically maintained in remote locations by NSF or contractors on behalf of NSF, including in cloud storage. In the conduct of agency business, copies may also be printed or maintained in paper format.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be maintained by the subject individual's name and retrieved by personally assigned identifier, such as case tracking number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records will be maintained and destroyed in accordance with applicable records schedules issued or approved by NARA. See, *e.g.,* General Records Schedule 2.3, Item 020 (reasonable or religious accommodation case files).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable Federal law, rules, and policies, including all applicable NSF automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties. All users are required to take annual NSF IT Security and Privacy Awareness Training, which covers the procedures for handling Controlled Unclassified Information (CUI), including personally identifiable information (PII) subject to the Privacy Act of 1974. Electronic records are maintained in a secure password-protected environment. Permission-level assignments will allow internal agency users access only to those functions for which they are authorized. Paper copies, if any, of system records are maintained in secure, access-controlled areas or buildings, and stored in a locked drawer, behind a locked door, or at a secure offsite location.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves in this system must follow the procedures found at 45 CFR part 613 (NSF Privacy Act Regulations). Individuals who register and create a user account to file a reasonable accommodation in the system may access status or certain other information about their request directly from the system, without the need to file a formal written Privacy Act access request under 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

NOTIFICATION PROCEDURES:

See 45 CFR part 613.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

NSF–86

SYSTEM NAME AND NUMBER:

NSF–86, Sexual Assault and Harassment Prevention and Response Program (SAHPR) Case Management Tracking System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. National Science Foundation (NSF), 401 Dulany Street, Alexandria, VA 22314. Records may also be electronically maintained in remote locations by NSF or contractors on behalf of NSF, including in cloud storage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302(b); 29 U.S.C. 206(d); 29 U.S.C. 621 *et seq.;* 29 U.S.C. 791; 42 U.S.C. 1861 *et seq.;* 42 U.S.C. 2000e–16 *et seq.;* 42 U.S.C. 2000ff *et seq.;* 42 U.S.C. 12101 *et seq.;* Pub. L. 107–174, as amended; E.O. 11478; E.O. 14021; 2 CFR 200.300 and 200.303; and other authorities, as applicable.

PURPOSE(S) OF THE SYSTEM:

To log, track, and coordinate the agency's response to reported incidents of sexual assault, harassment and stalking in NSF-funded programs and activities, and other inquiries received through the SAHPR program office; to provide information (*e.g.,* about available support resources or training); to make referrals to appropriate officials, agencies, and entities; to enhance compilation and accuracy of statistical data and management reports; to assess the program's effectiveness; to help develop or update procedures and training; or to recommend other action by the agency or others to help prevent alleged sexual assault, sexual harassment, and stalking, as applicable.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers individuals who have formally reported to NSF's Office of the Inspector General or other investigative entity that they were the alleged victim or target of sexual assault, sexual harassment or stalking, or who have been identified as an alleged victim or target in a report filed with the investigative entity by a third party. The system also covers other individuals who may directly contact the SAHPR program office for information on how or where to report sexual assault, sexual harassment or stalking or for other information or support services relating to such incidents in NSF-funded programs and activities. Covered individuals may include, but are not limited to, NSF employees, contractors, participants in research or infrastructure projects or operations funded by an NSF award.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include, but are not limited to, name, email address, and/or other contact information of the individual identified as an alleged victim or target of sexual assault, harassment, or stalking in a formal report with NSF's Office of Inspector General or other investigative entity, or individuals who directly contact the SAHPR program office; date that the inquiry was received; date the case record was initially created in the system; assigned case number; type of incident; location (site) of incident; information regarding third parties, as applicable (*e.g.,* alleged offender(s), witness(es)); notes regarding the program office's handling or disposition of the matter (*e.g.,* informational response, referral, related investigational case numbers).

RECORD SOURCE CATEGORIES:

Individuals who contact the SAHPR program office regarding the alleged incident; reports filed by the subject individual or third-party individuals (*e.g.,* witnesses) with NSF's Office of Inspector General or other entities (*e.g.,* the impacted individual's institution, law enforcement).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The following NSF standard routine uses apply:

1. Members of Congress. Information from a system may be disclosed to congressional offices in response to inquiries from the congressional offices made at the request of the individual to whom the record pertains.

2. Freedom of Information Act/ Privacy Act Compliance. Information from a system may be disclosed to the Department of Justice or the Office of Management and Budget to obtain advice regarding NSF's obligations under the Freedom of Information Act and the Privacy Act.

3. Counsel. Information from a system may be disclosed to NSF's legal representatives, including the Department of Justice and other outside counsel, where the agency is a party in litigation or has an interest in litigation and the information is relevant and necessary to such litigation, including when any of the following is a party to the litigation or has an interest in such litigation: (a) NSF, or any component thereof; (b) any NSF employee in his or her official capacity; (c) any NSF employee in his or her individual capacity, where the Department of Justice has agreed to, or is considering a request to, represent the employee; or (d) the United States, where NSF determines that litigation is likely to affect the agency or any of its components.

4. National Archives and Records Administration (NARA). Information

from a system may be disclosed to representatives of NARA during records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

5. Response to an Actual or Suspected Compromise or Breach of Personally Identifiable Information. NSF may disclose information:

a. to appropriate agencies, entities, and persons when (1) NSF suspects or has confirmed that there has been a breach of the system of records; (2) NSF has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, NSF (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with NSF's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

b. to another Federal agency or Federal entity, when NSF determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

6. Courts. Information from a system may be disclosed to the Department of Justice or other agencies in the event of a pending court or formal administrative proceeding, when the information is relevant and necessary to that proceeding, for the purpose of representing the government, or in the course of presenting evidence, or the information may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

7. Contractors. Information from a system may be disclosed to contractors, agents, experts, consultants, or others performing work on a contract, service, cooperative agreement, job, or other activity for NSF and who have a need to access the information in the performance of their duties or activities for NSF.

8. Audit. Information from a system may be disclosed to government agencies and other entities authorized to perform audits, including financial and other audits, of the agency and its activities.

9. Law Enforcement. Information from a system may be disclosed, where the information indicates a violation or potential violation of civil or criminal law, including any rule, regulation or order issued pursuant thereto, to appropriate Federal, State, or local agencies responsible for investigating, prosecuting, enforcing, or implementing such statute, rule, regulation, or order.

10. Disclosure When Requesting Information. Information from a system may be disclosed to Federal, State, or local agencies which maintain civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

11. To the news media and the public when: (1) a matter has become public knowledge, (2) the NSF Office of the Director determines that disclosure is necessary to preserve confidence in the integrity of NSF or is necessary to demonstrate the accountability of NSF's officers, employees, or individuals covered by this system, or (3) the Office of the Director determines that there exists a legitimate public interest in the disclosure of the information, except to the extent that the Office of the Director determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

In addition to the above standard NSF routine uses, the following routine uses apply to this system, *i.e.,* records may also be disclosed:

12. To other appropriate non-NSF officials, agencies, or entities in order to investigate the alleged sexual harassment or to take action to address the matter. In such cases, the SAHPR program office may obtain the individual's written consent before making such a referral.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic form, including electronic storage media, and may also be electronically maintained in remote locations by NSF or contractors on behalf of NSF, including in cloud storage. In the conduct of agency business, copies may also be printed or maintained in paper format.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be maintained by the subject individual's name and retrieved by personally assigned identifier, such as case tracking number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records will be maintained and destroyed in accordance with applicable records schedules issued or approved by NARA. *See, e.g.,* General Records Schedule 2.3, Item 050 (harassment complaint case files).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable Federal law, rules, and policies, including all applicable NSF automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties. All users are required to take annual NSF IT Security and Privacy Awareness Training, which covers the procedures for handling Controlled Unclassified Information (CUI), including personally identifiable information (PII) subject to the Privacy Act of 1974. Electronic records are maintained in a secure password-protected environment. Permission-level assignments will allow internal agency users access only to those functions for which they are authorized. Paper copies, if any, of system records are maintained in secure, access-controlled areas or buildings, and stored in a locked drawer, behind a locked door, or at a secure offsite location.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves in this system must follow the procedures found at 45 CFR part 613 (NSF Privacy Act Regulations).

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

NOTIFICATION PROCEDURES:

See 45 CFR part 613.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Thomas A. Boger,

Acting Senior Agency Official for Privacy, U.S. National Science Foundation.

[FR Doc. 2026–22540 Filed 11–4–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–4819]

Performance Review Board for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced appointments to the NRC Performance Review Board (PRB) responsible for making recommendations on performance appraisal ratings and performance awards for NRC Senior Executives and Senior Level System employees and appointments to the NRC PRB Panel responsible for making recommendations to the appointing and awarding authorities for NRC PRB members.

DATES: November 5, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–4819 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–4819. 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 listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jennifer M. Golder, Secretary, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–0741, email: *Jennifer.Golder@nrc.gov.*

SUPPLEMENTARY INFORMATION: The following individuals appointed as members of the NRC PRB are responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives and Senior Level System employees:

- Michael F. King, Executive Director for Operations, Chair of PRB,
- Matthew Pociask, General Counsel,
- Christopher D. Carroll, Chief Financial Officer,
- Sabrina D. Attack, Deputy Executive Director for Reactor, Materials, and Preparedness Programs,
- Caroline L. Carusone, Deputy Executive Director for Mission Support,
- Jennifer M. Golder, Chief Human Capital Officer, David Curtis, Deputy Executive Director, Transition and Organizational Effectiveness, and Aida E. Rivera-Verona, Associate Director for Operations, will serve as non-voting advisory members of the PRB.

The following individuals will serve as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

- Matthew Pociask, General Counsel,
- Scott C. Flanders, Chief Information Officer,
- Jody C. Martin, Director, Office of the Secretary.

All appointments are made pursuant to chapter 43 of title 5 of the United States Code, section 4314.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: November 3, 2026.

For the Nuclear Regulatory Commission.

Jennifer Golder,

Secretary, Executive Resources Board.

[FR Doc. 2026–22636 Filed 11–4–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902140; NRC–2026–5116]

Last Energy, Inc; Phased Construction Permit Application—Limited Work Authorization

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received the first part of a two-part phased construction permit application from Last Energy, Inc., (Last Energy), requesting a limited work authorization (LWA) for a proposed utilization facility at the Caldwell Site in Caldwell County, Texas.

DATES: November 5, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–5116 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–5116. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* Last Energy's LWA application is available in ADAMS under package Accession No. ML26294A162.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zeinab Farahmandfar, telephone: 301–415–5111; email: *Zeinab.Farahmandfar@nrc.gov* and Allen Fetter, telephone: 301–415–8556; email: *Allen.Fetter@nrc.gov.* Both are staff of the Office of Advanced Reactors at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

On October 20, 2026, Last Energy filed the first part of a two-part phased construction permit application for a utilization facility with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and

part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities.'' Part One of the application includes a LWA request submitted pursuant to 10 CFR 50.10(d), ''Request for limited work authorization.'' Last Energy submitted part one of its application as part of a phased application approach for a construction permit for a utilization facility, as described in 10 CFR 2.101(a)(9) and 10 CFR 2.600(d).

Last Energy's LWA application requests NRC approval to conduct certain early construction activities for its PWR–20 nuclear reactor at a site in Caldwell County, Texas. The requested LWA activities would include installation of permanent elements of the foundation supporting the reactor vessel, including subsurface preparation, grout backfill, installation of a steel liner, and driving of steel H-piles. The application also includes certain general and administrative information such as financial qualifications submitted pursuant to 10 CFR 50.33, a preliminary safety analysis report submitted pursuant to 10 CFR 50.34(a) for the portions of the facility within the scope of the LWA, an environmental report submitted in accordance with 10 CFR 51.49(b) and (f), and a site redress plan.

II. Further Information

If the NRC staff finds the LWA request acceptable for docketing, the staff will begin a detailed technical review. Subsequent **Federal Register** notices will address the acceptability of the tendered application for docketing and opportunities for participation of the public during the course of the staff's review.

A copy of the application is available for public inspection at *https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/pre-application-activities/last-energy.*

Authority: 42 U.S.C. 2011 *et seq.*

Dated: November 3, 2026.

For the Nuclear Regulatory Commission.

Jeffrey Rady,

Chief, Advanced Reactor Licensing Branch 4, Division of Advanced Reactor Licensing, Office of Advanced Reactors.

[FR Doc. 2026–22577 Filed 11–4–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2026–21; K2026–26]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 10, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* K2026–21; *Filing Title:* Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 94, Which Includes an Extension of That Agreement; *Filing Acceptance Date:* November 2, 2026; *Filing Authority:* 39 CFR 3041.505, and 3041.515; *Public Representative:* Jennaca Upperman; *Comments Due:* November 10, 2026.

2. *Docket No(s).:* K2026–26; *Filing Title:* Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & Commercial ePacket Contract 7 Negotiated Service Agreement, Which Includes an Extension of That Agreement; *Filing Acceptance Date:* November 2, 2026; *Filing Authority:* 39 CFR 3041.505, and 3041.515; *Public*

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Representative: Christopher Mohr; *Comments Due:* November 10, 2026.

III. Summary Proceeding(s)

None. See *Section II* for Public Proceedings.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–22582 Filed 11–4–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: November 5, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 26, 2026, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 129 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2027–17 and K2027–18.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–22594 Filed 11–4–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106797; File No. SR–FINRA–2026–023]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt FINRA Rule 1240.03 (Senior Leader Regulatory Element Interim Program) To Establish an Interim Program of Regulatory Element Continuing Education

November 2, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to adopt FINRA Rule 1240.03 (Senior Leader Regulatory Element Interim Program) and make a conforming amendment to FINRA Rule 1240(a)(6) (Delivery of the Regulatory Element) to establish an interim program of Regulatory Element Continuing Education (''CE'') that would be voluntary and provide member firms with the option for their senior leaders to complete continuing education.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org* and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to Rule 1240, registered persons of member firms are required to complete CE that consists of two mandatory programs, a Regulatory Element and a Firm Element. Regulatory Element CE, which is administered by FINRA, focuses on regulatory requirements and industry standards. Firm Element CE is provided by each member firm to its registered persons and focuses on the firm's securities products, services and strategies, its policies, and industry trends.

FINRA has received a variety of suggestions from member firms and industry groups regarding changes to the Regulatory Element CE requirement for senior leaders (*e.g.,* chief executive officer, chief financial officer). FINRA received similar suggestions regarding this topic in response to *Regulatory Notice* 25–07.[4]

FINRA believes that Regulatory Element CE provides individuals with valuable training on recent developments in regulatory requirements and industry standards, and as such, CE is appropriate for all registered persons, including senior leaders. FINRA, however, recognizes that senior leaders at member firms may realize greater benefit from Regulatory Element CE training that draws from the annual Regulatory Element content but is tailored to their unique roles at a member firm. Senior leaders may engage with FINRA rules differently than frontline representatives and principals because they have broader visibility and responsibilities across their member firm, and often its broader organizational structure. FINRA believes that Regulatory Element CE content for such leaders therefore may be more effective if it covers the information addressed in the various Regulatory Element CE learning plans but presents the information from a broader, firm-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See, e.g.,* letter from Bernard V. Canepa, Managing Director and Associate General Counsel & Alyssa Pompei, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated July 14, 2025.

wide perspective. Such content could focus on firm risks, control systems, approaches to pressure-test firm capabilities and vulnerabilities, and similar enterprise-level considerations.

Therefore, FINRA is proposing to adopt Rule 1240.03 to establish a Senior Leader Regulatory Element Interim Program (''Interim Program'').[5] The proposed Interim Program, which would operate for just over two full years, would provide member firms with the option for their senior leaders to complete continuing education covering Regulatory Element topics, such as new and amended rules and regulatory trends, framed from the perspective of their unique roles and responsibilities at a member firm. Under the proposed Interim Program, participating senior leaders would continue to be required to take this continuing education on an annual basis, but the content of the training and the method of delivery would be different.[6]

For the proposed Interim Program, FINRA would, as it does today, develop the Regulatory Element CE training materials on an annual basis. In developing these training materials, FINRA would consider the annual learning plan topics assigned to each registration category. However, rather than limiting the content to the specific registration categories the senior leaders hold, the materials would cover content across all registration categories. FINRA would present significant rule changes, key regulatory developments and other Regulatory Element topics from the unique organizational vantage point of senior leaders. The materials would remain consistent with the core objectives of Regulatory Element CE but would be tailored to that senior leader audience. FINRA would make the Regulatory Element CE training materials available to those member firms that elect to participate in the proposed Interim Program. Unlike the manner in which Regulatory Element CE is currently delivered, the chief compliance officer (''CCO'') or other senior compliance officer at a member firm participating in the proposed Interim Program would provide the training to the participating senior leaders (including any participating senior leaders of affiliated entities).[7] Further, the CCO or other senior compliance officer would have the discretion to supplement the training materials to provide the most relevant and effective training for the senior leaders at his or her firm; there would be no requirement to create or deliver any additional material specific to the registration(s) that any of the senior leaders hold.

A senior leader who participates in the proposed Interim Program would be required to certify that he or she has completed the Regulatory Element CE training, and the member firm would need to retain such certification for at least three years. In addition, CCOs of member firms that choose to participate in the proposed Interim Program would be required to identify to FINRA those senior leaders who completed the training and demonstrated proficiency in the subject matter covered by the educational material.[8] Senior leaders who participate in the proposed Interim Program and successfully complete the training would satisfy their annual Regulatory Element CE under Rule 1240. Those senior leaders who do not participate in the proposed Interim Program would be required to complete the Regulatory Element CE courses assigned by FINRA, as they do today.

As noted, FINRA is proposing to establish the Interim Program for a period of just over two full years. The proposed Interim Program would be voluntary and no member firm would be required to participate. While the proposed Interim Program is in place, FINRA would evaluate the demand for the proposed Interim Program and whether it is meeting the goals of Regulatory Element CE for senior leaders at member firms.[9] If no further action is taken, the proposed Interim Program would automatically sunset at the end of the designated period.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the Commission waive the requirement that the proposed rule change not become operative for 30 days after the date of filing so FINRA can implement the proposed rule change immediately.[10]

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change continues FINRA's commitment to its Regulatory Element CE program while providing appropriate flexibility for member firms and senior leaders. In particular, FINRA notes that the proposed rule change maintains the requirement that all registered persons complete appropriate Regulatory Element content on an annual basis.

As previously noted, participation in the proposed Interim Program would be voluntary so a member firm could require its senior leaders to continue to take the Regulatory Element CE that has been assigned for the specific registration categories that they hold if the member firm concludes that such training would be more appropriate based on their roles and responsibilities at the member firm. However, FINRA believes that the proposed rule change would provide an alternative Regulatory Element CE for senior leaders that would be a valuable option for member firms and also protect investors and the public interest. In this regard, under the proposed rule change, senior leaders would not be exempt from the annual Regulatory Element requirement; only the framing and method of delivery of the training would differ. The proposed rule change would provide member firms with the option for their senior leaders to take Regulatory Element CE training that addresses significant rule changes, key regulatory developments

[5] For purposes of the proposed Interim Program, a senior leader would include any ''covered person'' as defined under Rule 1240(a)(5) (Definition of Covered Person) who is listed on a member firm's Schedule A of Form BD; any other covered person serving on a member firm's executive, management or operations committees; or any covered person with similar status or functions who is employed at an affiliate of a member firm.

[6] A member firm would determine which of its senior leaders, if any, it believes should participate in the proposed Interim Program based on the member firm's annual evaluation of the training needs for such individuals.

[7] Currently, Regulatory Element CE is provided to all individuals via the online CE platform that is available through FINRA's Financial Professional Gateway (''FinPro Gateway™''). The proposed rule change would make a conforming amendment to Rule 1240(a)(6) (Delivery of the Regulatory Element) to remove the requirement that Regulatory Element CE be administered in a technological manner to allow for the CCO or other senior compliance officer at a member firm participating in the proposed Interim Program to deliver the Regulatory Element CE training.

[8] FINRA would include in a *Regulatory Notice* additional information on how CCOs would demonstrate compliance with the requirements of the rule.

[9] As part of evaluating whether the goals of Regulatory Element CE are being met by the proposed Interim Program, FINRA anticipates collecting feedback and data from a variety of stakeholders, including the CCOs and senior leaders at participating member firms, as well as the CE Council.

[10] FINRA notes that the proposed rule change would not impact members that are funding portals but would impact all other members including members that have elected to be treated as capital acquisition brokers (''CABs''), given that the CAB rule set incorporates the impacted FINRA rules by reference.

[11] 15 U.S.C. 78*o*–3(b)(6).

and core knowledge areas specifically tailored for senior leaders. Further, the ability of a member firm's CCO or other senior compliance officer to supplement the training materials would help to further ensure that the CE training is particularly effective for the member firm's senior leaders.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

As explained above, the proposed Interim Program would be voluntary and provide members with the option for their senior leaders to complete Regulatory Element CE training that is targeted to their unique roles and responsibilities at members.[12] FINRA has undertaken an economic impact assessment to analyze the potential economic impacts of the proposed rule change, relative to the current baseline. The economic baseline includes Rule 1240, as well as how senior leaders engage with FINRA rules due to their broader visibility into, and responsibilities across, their member firms. FINRA does not have a reliable estimate of the number of senior leaders who may be eligible to participate in the proposed Interim Program, or of the number who may choose to participate.

The costs and benefits of the proposed Interim Program will depend on the ongoing cost of administering the program and its effectiveness. Because the proposed Interim Program is voluntary, members are not expected to use this option unless they believe the change benefits the firm overall. FINRA will evaluate whether the proposed Interim Program is meeting the goals of Regulatory Element CE for member firms. Any potential unintended impacts would be limited due to the term of the Interim Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[12] The proposed Interim Program would provide members with the discretion to determine participation based upon their evaluation of the training needs for such individuals. Members also would have the ability to switch their senior leaders between the proposed Interim Program and the assigned Regulatory Element CE for the registration categories that they hold, providing additional flexibility.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. As noted in its Form 19b–4 and above in Item II, FINRA has requested that the Commission waive the 30-day delay requirement so that the proposed rule change may become operative immediately upon filing.

More specifically, FINRA stated in its request that immediate operability would enable FINRA to implement the proposed rule change so that member firms have a meaningful opportunity to elect participation in the Interim Program for the current CE cycle, identify eligible senior leaders, and complete any necessary planning and administrative steps before the December 31, 2026 Regulatory Element CE deadline. FINRA further stated that immediate operability would also permit FINRA to provide firms with Interim Program materials, begin operating the Interim Program during the remaining two months in the first year of the proposed interim period, which runs for just over two full years, and collect data regarding demand for the program that would include the remaining months in 2026. According to FINRA, absent a waiver, the reduced period between operability and the year-end Regulatory Element CE deadline could significantly limit firms' ability to participate in the proposed Interim Program during the remaining months in the 2026 CE cycle and, as a result, diminish the value of the proposed Interim Program during that same year. In addition, FINRA stated that immediate operability would also allow member firms to begin evaluating whether they wish to participate in the proposed Interim Program for the 2027 Regulatory Element CE cycle, and if so, start to identify which of their senior leaders should complete the training via the proposed Interim Program. For these reasons, the Commission believes that waiving the 30-day operative delay for this proposed rule change is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6)(iii).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2026–023 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2026–023. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/*

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

rules/sro.shtml). Copies of the filing will be available for inspection and copying at the principal office of FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–FINRA–2026–023 and should be submitted on or before November 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–22561 Filed 11–4–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36376; File No. 812–16089]

UBS Asset Management Credit Income Opportunities Fund and UBS Asset Management (Americas) LLC

November 2, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges.

APPLICANTS: UBS Asset Management Credit Income Opportunities Fund and UBS Asset Management (Americas) LLC.

FILING DATES: The application was filed on September 17, 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 27, 2026 and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Omar Tariq, UBS Asset Management (Americas) LLC, 1285 Avenue of the Americas, New York, NY 10019 with copies to Justin L. Browder, Esq., and Bissie K. Bonner, Esq., Simpson Thacher & Bartlett LLP, 900 G Street NW, Washington, DC 20001, *justin.browder@stblaw.com* and *bissie.bonner@stblaw.com,* respectively.

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, at (202) 551–6720 or *IMOCC@sec.gov* (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated September 17, 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 A. Haywood,

Assistant Secretary.

[FR Doc. 2026–22544 Filed 11–4–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106796; File No. SR–Phlx–2026–63]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Equity 8A Regarding Information Circular Requirements

November 2, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 20, 2026, Nasdaq PHLX LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (i) amend Equity 8A, Section 5 to add express cross-references to General 9, Section 10 and Equity 2, Section 20; (ii) delete Equity 8A, Section 5(a)(2)(A) in its entirety, thereby removing the requirement that the Exchange distribute an information circular to Exchange member organizations (''Members'') prior to the commencement of trading in each UTP Exchange Traded Product (as defined below) that generally includes the same information as contained in the information circular provided by the listing exchange; (iii) amend Equity 8A, Section 5(a)(2)(B)(ii) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser; (iv) renumber Equity 8A, Section 5(a)(2)(B) through (E) as Section 5(a)(2)(A) through (D), respectively; (v) replace the obsolete cross-reference to any ''UTP Security'' with a more general reference to any ''security'' in Equity 8A, Section 5(a)(2), and (vi) update the cross-reference to ''UTP Exchange Traded Product'' in Equity 8A, Section 5(a)(2).

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP Exchange Traded Product [3] that generally includes the same information as contained in the information circular provided by the listing exchange as provided in Equity 8A, Section 5(a)(2)(A). The Exchange also proposes to amend Equity 8A, Section 5(a)(1) to add express cross-references to General 9, Section 10 (Recommendations to Customers (Suitability)) and Equity 2, Section 20 (Customer Disclosures). The Exchange also proposes to amend Equity 8A, Section 5(a)(2)(B)(ii) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser.[4] The Exchange also proposes to renumber Equity 8A, Section 5(a)(2)(B) through (E) as Section 5(a)(2)(A) through (D), respectively. The Exchange also proposes a number of updates in Equity 8A, Section 5(a)(2), specifically to replace the obsolete cross-reference to any ''UTP Security'' [5] with a more general reference to any ''security'' and to update the cross-reference to ''UTP Exchange Traded Product'' in Equity 8A, Section 5(a)(2). The proposal is similar to a proposal that Cboe BZX Exchange, Inc. (''Cboe BZX'') filed with the Commission.[6]

Equity 8A, Section 5 governs the trading of UTP Exchange Traded Products on the Exchange—securities listed on another national securities exchange that trade on the Exchange pursuant to unlisted trading privileges (''UTP''). Under current Equity 8A, Section 5(a)(2)(A), the Exchange must distribute an information circular prior to the commencement of trading in each UTP Exchange Traded Product that generally mirrors the information circular issued by the listing exchange, including: (a) the special risks of trading the new exchange traded product; (b) the Exchange rules that will apply to the new exchange traded product; and (c) information about the dissemination of the value of the underlying assets or indices. The Exchange proposes to delete Equity 8A, Section 5(a)(2)(A) in its entirety.

The information circular requirement is unnecessary because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce. Members have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes.[7] The Exchange's issuance of a separate, duplicative circular therefore serves no independent investor protection function.

The Exchange also proposes to amend Equity 8A, Section 5(a)(1) to add express cross-references to General 9, Section 10 (Recommendations to Customers (Suitability)) and Equity 2, Section 20 (Customer Disclosures). Current Equity 8A, Section 5(a)(2)(A) does not reference the recommendations to customers/suitability provisions addressed by General 9, Section 10 and the risk of trading outside of regular trading hours addressed by Equity 2, Section 20, but the Exchange is proposing to add these explicit cross-references in Equity 8A, Section 5(a)(1) to highlight their visibility in the context of UTP Exchange Traded Products, consistent with Cboe BZX's proposal.[8] These rules already apply to Members by operation of the Exchange's rulebook. The cross-references are intended to make the applicable framework explicit in the context of UTP Exchange Traded Products. General 9, Section 10 independently requires Members to ensure that any recommendation of a UTP Exchange Traded Product is suitable for the customer based on the customer's investment profile, a standing obligation that applies regardless of whether the Exchange has issued a product-specific information circular. Similarly, Equity 2, Section 20 independently requires Members to provide customers with a written disclosure of the risks of trading outside of regular trading hours before accepting any order for execution outside of regular trading hours, a standing obligation not contingent on the Exchange's issuance of a product-specific information circular.

Because Equity 8A, Section 5(a)(2)(A) has historically served as the mechanism through which the Exchange satisfies the notification obligation under Equity 8A, Section 5(a)(2)(B), deletion of Equity 8A, Section 5(a)(2)(A) necessitates a conforming amendment to Equity 8A, Section 5(a)(2)(B). The Exchange proposes to amend Equity 8A, Section 5(a)(2)(B)(ii) to require that the written description referenced therein be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser. The Exchange will notify Members by information circular that such written description will only be required when mandated by the listing exchange. This amendment is consistent

[3] A ''UTP Exchange Traded Product'' means one of the following Exchange Traded Products that trades on the Exchange pursuant to unlisted trading privileges: Equity Linked Notes, Investment Company Units, Index Fund Shares, NextShares, Index-Linked Exchangeable Notes, Equity Gold Shares, Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed-Income Index-Linked Securities, Futures-Linked Securities, Multifactor-Index-Linked Securities, Trust Certificates, Currency and Index Warrants, Portfolio Depository Receipts, Trust Issued Receipts, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Paired Trust Shares, Trust Units, Managed Fund Shares, and Managed Trust Securities. *See* Equity 4, Rule 3100(a)(1).

[4] As further described below, the Exchange will notify Members of the written description requirement under Equity 8A, Section 5(a)(2)(B)(ii) (proposed to be renumbered herein as Equity 8A, Section 5(a)(2)(A)(ii)) by means of an information circular. Such written description will only be required when required by the listing exchange.

[5] The Exchange deleted the definition of ''UTP Security'' in a prior rule filing. *See* Securities Exchange Act Release No. 96574 (December 22, 2022), 87 FR 80213 (December 29, 2022) (SR–Phlx–2022–49). As previously defined, ''UTP Security'' means a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges.

[6] *See* Securities Exchange Act Release No. 105715 (June 17, 2026), 91 FR 37477 (June 23, 2026) (SR–CboeBZX–2026–054).

[7] Such information circulars are generally available on the primary listing market's website.

[8] *See supra* note 6.

with the broader purpose of the proposed rule change: where the listing exchange's information circular already provides Members with the information necessary to assess a UTP Exchange Traded Product, a duplicative written description obligation serves no independent investor protection function. Members may rely on the information circular provided by the listing exchange or open-ended management company issuing such securities in the same manner and to the same effect.

The Exchange also proposes to renumber existing Equity 8A, Section 5(a)(2)(B) through (E) as Section 5(a)(2)(A) through (D), respectively. The Exchange further proposes to update Equity 8A, Section 5(a)(2) to replace the obsolete cross-reference to any ''UTP Security'' with a more general reference to any ''security.'' As noted above, the Exchange removed the definition of ''UTP Security'' from its rulebook in a prior rule filing and therefore proposes to delete the reference in Equity 8A, Section 5(a)(2) as obsolete.[9] The Exchange proposes to use the more general term ''security'' so that Equity 8A, Section 5(a)(2) will indicate that any security that is a UTP Exchange Traded Product will be subject to the additional rules in Section 5(a)(2)(B) through (E) (renumbered as Section 5(a)(2)(A) through (D) under this proposal). Lastly, the Exchange proposes in Equity 8A, Section 5(a)(2) to update the cross-reference to ''UTP Exchange Traded Product'' from Equity 4, Rule 3100(f) to Equity 4, Rule 3100(a)(1).[10]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed deletion of Equity 8A, Section 5(a)(2)(A) is consistent with the Act because the primary listing exchange's information circular already provides Members with the same disclosures that the Exchange's information circular would contain. The investor protection functions historically served by the information circular requirement are independently addressed through the primary listing exchange's information circular and the Member-level obligations imposed by General 9, Section 10 and Equity 2, Section 20, to which the Exchange proposes to add express cross-references in Equity 8A, Section 5(a)(1). The proposed amendment to Equity 8A, Section 5(a)(2)(B)(ii) ensures that where a written description is required, it is provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities, thereby aligning the Exchange's requirements with those of the primary listing market. The Exchange will further notify Members by information circular that such written description will only be required when mandated by the listing exchange, ensuring that no duplicative obligation is imposed where the listing exchange has not determined one to be warranted. The renumbering of Equity 8A, Section 5(a)(2)(B) through (E) to Section 5(a)(2)(A) through (D), respectively, and making the updates described above to Equity 8A, Section 5(a)(2) to replace an obsolete cross-reference and update a rule reference are ministerial. Additionally, as discussed above, the proposal does not raise any novel issues not previously considered by the Commission.[13] For these reasons, the Exchange believes that the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue. It does not alter the terms or conditions under which UTP Exchange Traded Products may be traded on the Exchange, impose any new requirements on Members, or affect the ability of any market participant to access the Exchange's markets. Members will continue to have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes as the Exchange's information circular. The proposed amendment to Equity 8A, Section 5(a)(2)(B)(ii) aligns the written description obligation with the primary listing market's requirements and does not impose any burden on Members beyond what the primary listing market itself requires. Accordingly, the Exchange does not believe the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6)[15] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and Rule 19b–4(f)(6)[17] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[18] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[19] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue because the primary listing exchange's information circular already provides

[9] *See supra* note 5.

[10] The Exchange previously relocated the definition of ''UTP Exchange Traded Product'' from Equity 4, Rule 3100(f) to Equity 4, Rule 3100(a)(1). *See* Securities Exchange Act Release No. 96574 (December 22, 2022), 87 FR 80213 (December 29, 2022) (SR–Phlx–2022–49).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 6.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

Members with the same disclosures the Exchange would otherwise be required to produce.[20] The Exchange also notes that the proposed rule change does not alter the terms or conditions under which UTP Exchange Traded Products may be traded on the Exchange. For these reasons, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2026–63 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2026–63. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2026–63 and should be submitted on or before November 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–22560 Filed 11–4–26; 8:45 am]

BILLING CODE 8011–01–P

[20] The Exchange represents that such information circulars are generally available on the primary listing market's website. *See supra* note 7.

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106798; File No. SR–NYSETEX–2026–39]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt New Rule 8a To Provide for the Listing of Acquisition Companies

November 2, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 20, 2026, the NYSE Texas, Inc. (''NYSE Texas'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt new Rule 8a under Article 22 of the NYSE Texas Rule Book (the ''Rule Book') to provide for the listing of companies whose business plan is to complete one or more acquisitions (''Acquisition Companies''). The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2025, the Exchange reincorporated in the State of Texas and was re-named NYSE Texas, Inc. In 2026, the Exchange amended certain of its initial and continued listing standards to facilitate new listings on the Exchange.[4] The Exchange now proposes to adopt new Rule 8a to provide for the listing of Acquisition Companies.[5]

In order to qualify for listing a class of common stock on the Exchange, an issuer must meet one of four initial listing standards contained in Rule 8. An Acquisition Company would can qualify for listing pursuant to initial listing standards 3 [6] or 4 [7] as initial listing standards 1 [8] and 2 [9] require prior operating history. To account for the differences between a standard operating company and an Acquisition Company, the Exchange proposes to adopt the following additional listing criteria for Acquisition Companies:

a. At least 90% of the gross proceeds from the initial public offering and any concurrent sale by an Acquisition Company of equity securities must be deposited in a trust account maintained by an independent trustee, an escrow account maintained by an ''insured depository institution,'' as that term is defined in Section 3(c)(2) of the Federal

[4] *See* Securities Exchange Act Release No. 105819 (June 30, 2026), 91 FR 41153 (July 6, 2026).

[5] New York Stock Exchange LLC (''NYSE'') and NYSE American LLC also have adopted standards for listing acquisition companies. See Section 102.06 of the NYSE Listed Company Manual and Section 119 of the NYSE American Company Guide. The proposed standards are the same as the comparable NYSE American standards.

[6] *See* Rule 8(c).

[7] *See* Rule 8(d).

[8] *See* Rule 8(a). Initial Listing Standard 1 requires previous years of positive earnings.

[9] *See* Rule 8(b). Initial Listing Standard 2 requires two years of consecutive operating history.

Deposit Insurance Act, or in a separate bank account established by a registered broker or dealer (collectively, a ''deposit account'').

b. Within 36 months of the effectiveness of its initial public offering registration statement, or such shorter period that the Acquisition Company specifies in its registration statement, the Acquisition Company must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the deposit account (excluding any deferred underwriter's fees and taxes payable on the income earned on the deposit account) at the time of the agreement to enter into the initial combination.

c. Until the Acquisition Company has satisfied the condition in paragraph (b) above, each business combination must be approved by a majority of the Acquisition Company's independent directors.

d. Until the Acquisition Company has satisfied the condition in paragraph (b) above, if the Acquisition Company holds a shareholder vote on a business combination for which the Acquisition Company must file and furnish a proxy or information statement subject to Regulation 14A or 14C under the Securities Exchange Act of 1934 in advance of the shareholder meeting, the business combination must be approved by a majority of the shares of common stock voting at the meeting at which the combination is being considered. If a shareholder vote on the business combination is held, public shareholders voting against a business combination must have the right to convert their shares of common stock into a pro rata share of the aggregate amount then in the deposit account (net of taxes payable and amounts distributed to management for working capital purposes) if the business combination is approved and consummated. An Acquisition Company may establish a limit (set no lower than 10% of the shares sold in the initial public offering) as to the maximum number of shares with respect to which any shareholder, together with any affiliate of such shareholder or any person with whom such shareholder is acting as a ''group'' (as such term is used in Sections 13(d) and 14(d) of the Securities Exchange Act of 1934), may exercise such conversion rights. For purposes of this paragraph (d), public shareholder excludes officers and directors of the company, the company's sponsor, the founding shareholders of the company, any family member or affiliate of any of the foregoing persons, and other concentrated holdings of 10% or more. For purposes of the proposed rule, ''family member'' means a person's spouse, parents, children and siblings, whether by blood, marriage or adoption, or anyone residing in such person's home.

e. Until the Acquisition Company has satisfied the condition in paragraph (b) above, if a shareholder vote on the business combination is not held for which the Acquisition Company must file and furnish a proxy or information statement subject to Regulation 14A or 14C under the Securities Exchange Act of 1934, the Acquisition Company must provide all shareholders with the opportunity to redeem all their shares for cash equal to their pro rata share of the aggregate amount then in the deposit account (net of taxes payable and amounts distributed to management for working capital purposes), pursuant to Rule 13e–4 and Regulation 14E under the Securities Exchange Act of 1934, which regulate issuer tender offers. The Acquisition Company must file tender offer documents with the Securities and Exchange Commission containing substantially the same financial and other information about the business combination and the redemption rights as would be required under Regulation 14A of the Securities Exchange Act of 1934, which regulates the solicitation of proxies.

Until the Acquisition Company completes a business combination where all conditions in paragraph (b) above are met, the company must notify the Exchange on the appropriate form about each proposed business combination. Following each business combination, the combined company must meet the requirements for initial listing. If the Acquisition Company does not meet the requirements for initial listing following a business combination or does not comply with one of the requirements set forth above, the Exchange shall commence delisting proceedings under Rule 4(c) to delist the company's securities. The Acquisition Company shall not be eligible to follow the procedures to cure deficiencies outlined in Interpretation and Policy .01 to Rule 17A. If the Acquisition Company is subject to delisting due to a failure to comply with paragraph (b) above, the Exchange will immediately suspend trading in the company's securities at the time of commencement of delisting proceedings and trading in the Acquisition Company's securities will remain suspended until the conclusion of any appeal of the delisting pursuant to Rule 4(c).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5)[11] of the Act, in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed changes would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest because the proposed rules are based on rules of the Exchange's affiliated markets, the New York Stock Exchange and NYSE American, that have been approved by the Commission. The Exchange does not believe there is any material difference between the proposed additional criteria for Acquisition Companies and the comparable criteria on the NYSE and NYSE American exchanges. Accordingly, the proposed rule changes promote continuity across affiliated exchanges, permitting categories of securities to list and trade on the Exchange by meeting comparable listing standards as on the Exchange's affiliated markets.

The Exchange believes that the proposed rule change is consistent with the above principles. The Exchange also believes that by adopting additional criteria for Acquisition Companies seeking to list on the Exchange, the proposed rule change would encourage the additional utilization of, and interaction with, the exchange market, and provide issuers with additional choice for venues on which to list their securities.

The proposal is also designed to promote just and equitable principles of trade by way of initial and continued listing standards which, if not maintained, would result in the discontinuation of trading in the affected products. These requirements, together with the applicable Exchange trading rules (which apply to the proposed products), ensure that no investor would have an unfair

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

advantage over another respecting the trading of the subject products. On the contrary, all investors would have the same access to, and use of, information concerning the specific products and trading in the specific products, all to the benefit of public customers and the marketplace as a whole.

Furthermore, the proposal is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system by adopting rules that would lead ultimately to the listing and trading of new securities on the Exchange. The proposed changes do nothing more than enhance Exchange rules to align them with comparable rules on other listing exchanges. The Exchange believes that by aligning Exchange rules with the rules of other listing venues, the proposal would offer another option for the listing of securities and thereby promote broader competition among exchanges. The Exchange believes that issuers permitted to list securities on the Exchange should enhance competition within the mechanism of a free and open market and a national market system, and customers and other investors in the national market system should benefit from more depth and liquidity in the market.

Additionally, the proposal is designed to prevent fraudulent and manipulative acts and practices, as trading would be subject to existing Exchange trading rules, together with specific requirements for registered market makers, books and record production, surveillance procedures, suitability and prospectus requirements, and requisite Exchange approvals, all set forth above. The proposed rule changes accomplish these objectives by enhancing Exchange listing standards. The Exchange believes that these proposed rules will enhance the Exchange's listing program, thereby serving to improve the national market system and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is designed to conform the Exchange's listing rules to the listing rules of other major listing exchanges. The proposed rule amendments are substantively identical to the rules in effect on the NYSE and NYSE American markets.

The proposed rules support competition by allowing for an additional listing venue for Acquisition Companies. The proposed rule change would promote competition by allowing the Exchange to compete with other national securities exchanges for the listing and trading of Acquisition Companies on the basis of substantively comparable listing rules. The proposed rule changes would mitigate the risk that the Exchange could compete for listings on the basis of different or lesser listing standards.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

D. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others [sic]

No written comments were solicited or received with respect to the proposed rule change. [sic]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposed rule change serves investor protection and public interest goals by ensuring that when the Exchange lists an Acquisition Company, such security is subject to comparable listing standards as it would be on the New York Stock Exchange or NYSE American. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSETEX–2026–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSETEX–2026–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/*

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] 15 U.S.C. 78s(b)(2)(B).

rules/sro.shtml). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSETEX–2026–39 and should be submitted on or before November 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–22562 Filed 11–4–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0411]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 489 and Form F–N

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information.

Rule 489 (17 CFR 230.489) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires foreign banks and foreign insurance companies and holding companies and finance subsidiaries of foreign banks and foreign insurance companies that are exempted from the definition of ''investment company'' by virtue of rules 3a–1 (17 CFR 270.3a–1), 3a–5 (17 CFR 270.3a–5), and 3a–6 (17 CFR 270.3a–6) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) to file Form F–N (17 CFR 239.43) to appoint an agent for service of process when making a public offering of securities in the United States. The information is collected so that the Commission and private plaintiffs may serve process on foreign entities in actions and administrative proceedings arising out of or based on the offer or sales of securities in the United States by such foreign entities.

The Commission received an average of 20 Form F–N filings per year over the last three years (2023–2025). The Commission has previously estimated that the total annual burden associated with information collection and Form F–N preparation and submission is one hour per filing. Based on the Commission's experience with disclosure documents generally, the Commission continues to believe that this estimate is appropriate. Thus, the estimated total annual burden for rule 489 and Form F–N is 20 hours.

Estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of rule 489 and Form F–N is mandatory to obtain the benefit of the exemption. Responses to the collection of information will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202606-3235-009* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by December 7, 2026.

Dated: November 2, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–22563 Filed 11–4–26; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–1223]

Agency Information Collection Activities: Notice of Request for Renewal of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for renewal of a currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 4, 2027.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 1223 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.*

Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David Bartz, (512) 417–5191, Office of Stewardship, Oversight, and Management, Federal Highway Administration, Department of Transportation, 300 East 8th Street, Suite 826, Austin, Texas, 78701. Office hours are from 7 a.m. to 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Preparation and Execution of the Project Agreement and Modifications.

OMB Control: 2125–0529.

Background: Formal agreements between State Transportation Departments and the FHWA are required for Federal-aid highway projects. These agreements, referred to as ''project agreements'' are written contracts between the State and the Federal government that define the extent of work to be undertaken and commitments made concerning a highway project. Section 1305 of the Transportation Equity Act for the 21st Century (TEA–21, Pub. L. 105–178) amended 23 U.S.C. 106(a) and combined authorization of work and execution of the project agreement for a Federal-aid project into a single action. States continue to have the flexibility to use whatever format is suitable to provide the statutory information

[17] 17 CFR 200.30–3(a)(12).

required, and burden estimates for this information collection are not changed.

Respondents: There are 56 respondents, including 50 State Transportation Departments, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands and American Samoa. Depending on the size of and activity in the above government agencies, the number of project agreements executed in any agency ranges between 10 and 1,500.

Frequency: On an on-going basis as project agreements are written.

Estimated Average Burden per Response: There is a total of 19,522 agreements per year. Each agreement requires 1 hour to complete.

Estimated Total Annual Burden Hours: 19,522 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: November 3, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–22591 Filed 11–4–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–1222]

Agency Information Collection Activities: Notice of Request for Renewal of a Currently Approved Information Collection.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for renewal of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for the renewal of an existing information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 7, 2026.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 1222 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alexis Kuklenski, (202) 689–9229, Office of Administration, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 26, 2026, at [91 FR 55157]. The notice received 5 comments. The comments and FHWA's responses are below:

A comment was submitted by ''W.D.M. (USA) Limited'' suggesting changes to how the TPM safety metric is calculated, which is outside the scope of this renewal.

The Transportation Departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming submitted a joint comment (Joint Comment Letter). Additionally, individual comments were submitted by the Missouri Department of Transportation (MoDOT), the Oklahoma Department of Transportation (ODOT) and the American Association of State Highway and Transportation Officials (AASHTO).

The joint comment letter recommended conditioning OMB clearance on FHWA initiating an Advance Notice of Proposed Rulemaking (ANPRM) to revise 23 CFR part 490 to reduce the data collection and associated reporting requirements in 23 CFR part 490. They suggested reducing the NHS routes in rural areas that would be subject to the travel time and congestion elements of the regulation. The request for an ANPRM and this feedback has been noted. Modifications to 23 CFR part 490 regulations are outside the legal scope of this administrative Paperwork Reduction Act (PRA) clearance docket and cannot be made through this notice.

Regarding the necessity and usefulness of the information collection, the letters from AASHTO, MoDOT, and ODOT said that FHWA should periodically assess whether the required reporting is necessary to support a specific federal decision or program objective, and those requirements that provide limited additional value should be eliminated or simplified. FHWA is responsible for collecting the information required by Congress in 23 U.S.C. 119 and 150 and codified in 23 U.S.C. Part 490. The TPM Biennial Reports, the subject of this collection, align with and are limited to the reporting requirements detailed in 23 CFR part 490. Any change to the scope of the statute or regulation is outside of the scope of the PRA clearance docket and cannot be made through this notice.

Regarding the accuracy of the estimated reporting burden, the letters from AASHTO, MoDOT, ODOT and the joint comment letter stated that the burden of 2,040 hours per response is underestimated, with some stating FHWA's estimate needs to provide greater detail. The submissions provided no empirical data, alternative workload calculations, or evidence upon which FHWA could re-evaluate or adjust its burden estimates. FHWA has provided detailed analysis of the burden assumptions in the Regulatory Impact Assessments (RIA) for the 3 related rulemakings, published on the Docket for each rule, and the costs in this notice are based on BLS wage data as detailed in this document.

Regarding improving the quality, usefulness, and clarity of information, the letters from AASHTO, MoDOT, and ODOT stated the priority should be concise, decision-useful information that reduces repetitive reporting of information already available to the federal government. Additionally, MoDOT noted that the data collected has a lag that can create inconsistencies, which is one reason it does not use the data reported to FHWA in its decision making. FHWA has limited the reporting to the requirements of 23 CFR part 490. Changes to those requirements, including the timing of the data used, are outside the scope of this notice. The

commenters did not provide any information on what elements of the data collection they have identified as already available to the federal government. FHWA believes that the required information reported is specific to the requirements of 23 CFR part 490, and therefore not duplicative of other programs. Finally, commenters stated that FHWA should reduce conflicting definitions across federal data collections. Any changes to definitions are outside of the scope of this notice.

Regarding minimizing burden through coordination and technology, the letters from AASHTO, MoDOT, and ODOT encouraged FHWA to use a ''collect once, use many times'' approach, and use information available to FHWA, rather than requiring State DOTs to reproduce that data for this reporting. The reporting of data used by 23 CFR 490 to establish actual condition and performance, such as the CMAQ Public Access System or the National Bridge Inventory System (NBIS), are federal data collections that serve many different programs, and implement collecting data once and using it many different ways. Within the PMF, FHWA uses data available to it to prepopulate baseline and actual condition and performance, and any State data submitted in previous reports that may be relevant to the current report. One example is how FHWA prepopulates the targets developed by the State DOT that are submitted in the Baseline Performance Report in the Mid Performance Period Report and the Full Performance Period Report, so State DOTs only need to submit these values once. Finally, MoDOT stated that the lag in the time between when data is collected and used for the required reporting limits the value of the outputs, and that the timing of the PMF submittal is not aligned with the timing of the CMAQ reporting, causing undue burden. The timing of the collection and reporting of the data that is an input to the TPM program, such as NBIS data or pavement condition data, is not governed by 23 CFR part 490 and therefore outside the scope of this notice.

While many of the comments are not part of the subject notice, FHWA will consider them when evaluating the relevant programs, processes, and regulations.

Title: Transportation Performance Management Biennial Report.

OMB Control: 2125–0656.

Background: The MAP–21 (Pub. L. 112–141) and FAST Act (Pub. L. 114–94) transformed the Federal-aid highway program by establishing new requirements for transportation performance management (TPM) to ensure the most efficient investment of Federal transportation funds. Prior to MAP–21, there were no explicit requirements for State DOTs to demonstrate how their transportation program supported national performance outcomes. State DOTs were not required to measure condition or performance, establish targets, assess progress toward targets, or report on condition or performance in a nationally consistent manner that FHWA could use to assess the entire system. Prior to the requirement to report these factors, it was difficult for FHWA to examine the effectiveness of the Federal-aid highway program to address surface transportation performance. The TPM requirements, as established by MAP–21 and FAST Act, require States to measure condition or performance, establish targets, assess progress towards targets and report on condition and performance.

State DOTs must submit biennial performance reports (23 U.S.C. 150 (e) and 23 CFR 490.107). The information is provided to the DOT in an electronic format through an online data form called the Performance Management Form (PMF). Alternative formats are made available where necessary. As part of the rulemakings implementing the MAP–21 and FAST Act requirements, FHWA evaluated all the Biennial Reporting requirements in the individual regulatory impact assessments (RIA) and determined the following:

Respondents: 52 State DOTs, including Washington DC and Puerto Rico.

Frequency: Biennially.

Estimated Average Burden per Response: 2,040.

Estimated Total Annual Burden Hours: 106,080.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: November 3, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–22586 Filed 11–4–26; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 52
Air Quality Implementation Plans; California; San Joaquin Valley; 2015 8-Hour Ozone Nonattainment Area Requirements; and California Consumer Products Regulations; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2026–8252; FRL–13635–01–R9]

Air Quality Implementation Plans; California; San Joaquin Valley; 2015 8-Hour Ozone Nonattainment Area Requirements; and California Consumer Products Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) proposes to approve State implementation plan (SIP) revisions submitted by the State of California to meet Clean Air Act (CAA or ''Act'') requirements for the 2015 8-hour ozone national ambient air quality standards (NAAQS or ''standards'') in the San Joaquin Valley ozone nonattainment area (''San Joaquin Valley'' or ''SJV''). In this document, the EPA refers to these submissions collectively as the ''SJV 70 ppb Ozone SIP.'' The EPA proposes to approve the SJV 70 parts per billion (ppb) Ozone SIP as meeting the applicable ozone nonattainment area requirements for emissions inventories, reasonably available control measures, attainment demonstration, rate of progress and reasonable further progress, motor vehicle emissions budgets, and enhanced monitoring. The EPA is also initiating the adequacy process for the budgets included in this SIP submission through this proposed rule. The EPA also proposes to approve two SIP revisions amending the SIP to incorporate changes reflecting updates to California Air Resources Board (CARB) Consumer Products Regulations and Method 310, which apply statewide and upon which the SJV 70 ppb Ozone SIP relies. These regulations concern emissions of volatile organic compounds (VOC) from antiperspirants, deodorants, consumer products, and aerosol coating products, and Method 310 is used to determine the VOC and reactive organic compounds content of these products. The EPA proposes to approve these regulations for purposes of the State's SIP under the CAA.

DATES: Comments must be received on or before December 7, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2026–8252 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, *etc.*) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: For information on the EPA's proposal on the SJV 70 ppb Ozone SIP, contact Rory Mays, Planning and Analysis Branch (AIR–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; telephone number: (415) 972–3227; email address: *mays.rory@epa.gov.* For information on the EPA's proposal on CARB's Consumer Products Regulations, contact La Kenya Evans-Hopper, Permits and Rules Branch (AIR–3), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; telephone number: (415) 972–3245; email address: *evanshopper.lakenya@epa.gov.*

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

2016 Ozone Plan—SJVUAPCD and CARB's ''2016 Plan for the 2008 8-Hour Ozone Standard''
2016 State SIP Strategy—CARB's 2016 ''Revised Proposed State Strategy for the State Implementation Plan''
2018 $PM_{2.5}$ Plan—SJVUAPCD and CARB's ''2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards''
2022 State SIP Strategy—CARB's ''2022 State Strategy for the State Implementation Plan''
2023 CARB Staff Report—CARB's ''Review of the San Joaquin Valley 2022 Plan for the 70 ppb 8-Hour Ozone Standard''
2024 SJV Ozone Contingency Measures Plan—SJVUAPCD and CARB's 2024 ''Ozone Contingency Measure State Implementation Plan Revision for the 2008 and 2015 8-Hour Ozone Standards''
2025 ANP—SJVUAPCD's ''2025 Air Monitoring Network Plan''
2026 Extreme Ozone SIP Revision—CARB's ''2026 State Implementation Plan Revisions for the California Extreme Ozone Nonattainment Areas''
ACF—Advanced Clean Fleets
ACT—Advanced Clean Trucks
BACM—Best Available Control Measures
Budgets—Motor Vehicle Emissions Budgets
CAA—Clean Air Act
CCR—California Code of Regulations
CARB—California Air Resources Board
CEPAM—California Emission Projection Analysis Model
CFFP—Clean Fuels for Fleets Program
CFR—Code of Federal Regulations
CMAQ—Congestion Mitigation and Air Quality
DPR—California Department of Pesticide Regulation
EMFAC—EMission FACtor
EPA—U.S. Environmental Protection Agency
EPA's District Rules and Motor Vehicle Emission Budgets TSD—EPA Region IX, ''Technical Support Document, EPA Evaluation of District Control Measures and Transportation Conformity Budgets for the San Joaquin Valley 70 ppb Ozone SIP,'' October 2026
EPA's Modeling TSD—EPA Region IX, ''Technical Support Document, EPA Review of Attainment Modeling in the San Joaquin Valley 2022 Ozone Plan for the 2015 Ozone NAAQS,'' October 2026
ERCs—Emissions Reduction Credits
FHWA—Federal Highway Administration
FR—Federal Register
FSTIP—Federal State Transportation Improvement Program
FTA—Federal Transit Administration
General Preamble—the EPA's ''General Preamble for the Implementation of the Clean Air Act Amendments of 1990''
HD I/M Regulation—Heavy-Duty Vehicle Inspection and Maintenance Regulation
Heavy-Duty Warranty Phase 1—Heavy-Duty Warranty Regulations and Maintenance Provisions
I/M—Vehicle Inspection and Maintenance
LDAR—Leak Detection and Repair
MIR—Maximum Incremental Reactivity
Modeling Guidance—the EPA's ''Modeling Guidance for Demonstrating Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze''
MPO—Metropolitan Planning Organization
NAAQS—National Ambient Air Quality Standards
NEI—National Emissions Inventory
NO_X—Oxides of Nitrogen
NSR—New Source Review
Omnibus Low NO_X Program—Heavy-Duty Engine and Vehicle Omnibus Regulation and Amendments

ORVR—Onboard Refueling Vapor Recovery
PAMS—Photochemical Assessment Monitoring Station
Ppm—Parts Per Million
Ppb—Parts Per Billion
$PM_{2.5}$—Particulate Matter Less Than 2.5 μm in Diameter
RACM—Reasonably Available Control Measures
RACT—Reasonably Available Control Measures
RFP—Reasonable Further Progress
ROP—Rate of Progress
RRF—Relative Response Factor
RTP—Regional Transportation Plan
SIP—State Implementation Plan
SJV 2022 Ozone Plan—SJVUAPCD and CARB's ''2022 Plan for the 2015 8-Hour Ozone Standard'' for the San Joaquin Valley
SJV 70 ppb Ozone SIP—the San Joaquin Valley attainment plan for the 2015 ozone NAAQS (collectively, all or portions of three SIP submissions)
SJVUAPCD or ''District''—San Joaquin Valley Unified Air Pollution Control District
SRR—SIP Requirements Rule
SORE—Small Off-Road Engines
Stage II—Gasoline dispensing systems for vehicle refueling vapor recovery
TCM—Transportation Control Measure
TSD—Technical Support Document
VOC—Volatile Organic Compounds
VMT—Vehicle Miles Traveled
WRF—Weather Research and Forecasting

Table of Contents

I. Overview of Proposed Action
A. What action is the EPA taking?
B. What is the legal authority and what are the requirements?
II. EPA Review of the SJV 70 ppb Ozone SIP
A. Background
B. Summary of the State's Submissions for the 2015 Ozone NAAQS in San Joaquin Valley
C. Emissions Inventories
D. Reasonably Available Control Measures Demonstration
E. Attainment Demonstration
F. Rate of Progress Plan and Reasonable Further Progress Demonstration
G. Motor Vehicle Emissions Budgets for Transportation Conformity
H. Other Clean Air Act Requirements Applicable to Extreme Ozone Nonattainment Areas
III. EPA Review of CARB's Consumer Products Regulations
A. Background
B. Summary of the State's Submissions for the Consumer Products Regulations
C. The EPA's Review of the State's Submission
IV. Proposed Action and Public Comment
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Overview of Proposed Action

A. What action is the EPA taking?

The EPA is proposing to approve certain submitted revisions to the San Joaquin Valley portion of the California SIP for the 2015 ozone NAAQS. We refer to these revisions as the SJV 70 ppb Ozone SIP, and they address the ''Extreme'' ozone nonattainment area requirements for emissions inventories, reasonably available control measures (RACM), attainment demonstration (including aggregate emission reduction commitments and CAA section 182(e)(5) new technology provisions), rate of progress (ROP) and reasonable further progress (RFP), motor vehicle emissions budgets (''budgets''), and enhanced monitoring. In addition, the EPA is initiating the adequacy review process for the budgets for VOC and NO_X for the 2026, 2029, 2032, and 2035 RFP milestone years and the 2037 attainment year included in the SJV 70 ppb Ozone SIP. For the attainment demonstration, the EPA proposes to approve CARB's aggregate emission reduction commitments for 2037 and CARB's commitment to submit contingency measures by January 1, 2034, to cover any anticipated shortfall in emission reductions to be achieved by the plan's CAA section 182(e)(5) new technology provisions. If the EPA finalizes this proposed action, CARB's aggregate emission reduction commitments and CAA section 182(e)(5) contingency measure commitments would become federally enforceable and transportation conformity demonstrations in the San Joaquin Valley would be required to conform to the regional (whole nonattainment area) motor vehicle emissions budgets for VOC and NO_X for the 2026, 2029, 2032, and 2035 RFP milestone years and the 2037 attainment year.

The EPA is also proposing to approve amendments to the SIP to incorporate changes to California's consumer products regulations and CARB Method 310, which apply statewide. Specifically, the 2021 amendments to CARB's Consumer Products Regulations concern VOC emissions from antiperspirants, deodorants, consumer products, and aerosol coating products, and the 2022 amendments to CARB Method 310 are used to determine the VOC and reactive organic compounds content of these products. If the EPA finalizes this proposed action, the amended Consumer Products Regulations and amended Method 310 would be federally enforceable within the State of California.

We will accept comments from the public for 30 days following publication of this proposal in the **Federal Register** and will consider relevant comments before taking final action.

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

The EPA has legal authority to approve, disapprove, or conditionally approve, in whole or in part, submissions of SIPs and SIP revisions under CAA section 110(k). The applicable requirements for the actions proposed by the EPA in this document include those for SIP submissions in general, ozone nonattainment areas, motor vehicle emissions budgets, and enforceable emission limitations.

For SIP submissions in general, CAA sections 110(a)(1) and (2) and 40 CFR 51.102 establish certain procedural requirements with respect to States for adoption and submittal of SIPs and SIP revisions to the EPA to meet CAA requirements. CAA section 110(l) prohibits the EPA from approving SIP revisions that would interfere with any applicable requirements concerning attainment and RFP or any other applicable requirement of the Act.

For SIP submissions addressing ozone nonattainment SIP requirements, the statutory requirements are set forth in CAA sections 171 through 179B of subpart 1 (''Nonattainment Areas in General'') and CAA sections 181 through 185 of subpart 2 (''Additional Provisions for Ozone Nonattainment Areas'') and the regulatory requirements for the 2015 ozone NAAQS are codified in 40 CFR part 51, subpart CC (''Provisions for Implementation of the 2015 Ozone [NAAQS]''). In this document, we refer to these regulatory requirements and related preamble collectively as the 2015 ozone NAAQS SIP Requirements Rule (''2015 Ozone SRR'').[1] For budgets, the regulatory requirements are codified in 40 CFR 93.118(e) (''Motor vehicle emissions budgets in submitted control strategy State implementation plan revisions and submitted maintenance plans''). More specifically, the budget adequacy criteria are codified in 40 CFR 93.118(e)(4). For more detail on these requirements, as well as background on the EPA's review of the SJV 70 ppb Ozone SIP, see the applicable subsections of section II of this document for emissions inventories, RACM, attainment demonstration, ROP and RFP, motor vehicle emissions budgets, and other requirements.

For SIP submissions related to consumer products and aerosol coatings regulations, the applicable requirements are found in CAA sections 110(a)(2) (''Each such plan shall (A) include enforceable emission limitations . . . (E) provide necessary assurances that

[1] 83 FR 62998 (Dec. 6, 2018).

the State . . . will have adequate personnel, resources and authority . . .'') and 110(l). In addition, 40 CFR part 51, subpart K (''Source Surveillance'') requires SIPs to have enforceable procedures for monitoring the status of compliance with the requirements in the control strategy. For more detail on these requirements, as well as background on the EPA's review of CARB's Consumer Products Regulations, see section III of this document.

II. EPA Review of the SJV 70 ppb Ozone SIP

A. Background

1. Ozone Standards, Area Designations, and SIPs

Ground-level ozone pollution is formed from the reaction of VOC and oxides of nitrogen (NO_X) in the presence of sunlight.[2] These pollutants, referred to as ozone precursors, are emitted by many types of sources, including on- and off-road motor vehicles and engines, power plants and industrial facilities, and area sources such as residential fuel combustion and farming operations.

Under CAA sections 108 and 109, the EPA promulgates air quality criteria and NAAQS for pervasive air pollutants meeting certain requirements, such as ozone, to protect public health and welfare. Under CAA section 110, following promulgation of a new or revised NAAQS, States are required to adopt and submit plans that provide for implementation, maintenance, and enforcement of the NAAQS (referred to as State Implementation Plans or SIPs). Under CAA section 107(d), the EPA is required to designate areas throughout the nation as either attaining or not attaining the NAAQS, or as unclassifiable. States with designated nonattainment areas are required to submit SIP revisions to, among other things, provide for attainment within the applicable statutory timeline.

In 1979, the EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm) averaged over a 1-hour period (''1979 ozone NAAQS'').[3] In 1997, the EPA revised the primary and secondary standards for ozone in the ambient air to 0.08 ppm averaged over an 8-hour period (''1997 ozone NAAQS'').[4]

In 2008, the EPA lowered the 8-hour ozone NAAQS to 0.075 ppm (''2008 ozone NAAQS'').[5] Then in 2015, the EPA further lowered the 8-hour ozone NAAQS to 0.070 ppm (''2015 ozone NAAQS'').[6] On December 31, 2020, the EPA finalized its most recent periodic review of the ozone NAAQS, retaining the form and level of the standards.[7] The EPA has revoked both the 1979 ozone NAAQS and the 1997 ozone NAAQS but not the 2008 ozone NAAQS.[8]

In 2018, the EPA designated San Joaquin Valley as nonattainment for the 2015 ozone NAAQS and classified the area as Extreme.[9] The attainment date for areas classified as Extreme for the 2015 ozone NAAQS is as expeditiously as practicable but not later than 20 years from the effective date of the nonattainment designation.[10] Designations of nonattainment for a given NAAQS trigger requirements under the CAA to prepare and submit SIP revisions. The State of California submitted the SIP revisions that comprise the SJV 70 ppb Ozone SIP and that are the subject of this document to address the Extreme nonattainment area requirements that apply to the San Joaquin Valley for the 2015 ozone NAAQS.

Under California law, CARB is the State agency that is responsible for the adoption and submission to the EPA of California SIP revisions, and it has state-law authority to establish emissions standards and other requirements for mobile sources and certain area sources, such as consumer products. Local and regional air pollution control districts in California are responsible for the regulation of stationary sources and are generally responsible for the development of regional air quality management plans (''plans''). In the San Joaquin Valley, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or ''District'') develops and adopts plans to address CAA planning requirements applicable to that area. Such plans are then submitted to CARB for adoption and submission to the EPA as revisions to the California SIP.

Under CAA section 110(k), the EPA is charged with evaluation of each SIP revision submitted by States for compliance with applicable CAA requirements and with taking action on each submission. The EPA evaluates SIP submissions and takes action to approve or disapprove them through notice-and-comment rulemaking, including proposed and final rules published in the **Federal Register**. Where appropriate, the EPA may act on separate portions of a SIP submission in separate rulemaking actions.

2. The San Joaquin Valley Ozone Nonattainment Area

The San Joaquin Valley nonattainment area for the 2015 ozone standards consists of San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, and Kings counties and the western portion of Kern County. The San Joaquin Valley nonattainment area stretches over 250 miles from north to south, averages a width of 80 miles, and encompasses over 23,000 square miles. It is partially enclosed by the Coast Mountain range to the west, the Tehachapi Mountains to the south, and the Sierra Nevada range to the east.[11] The population of the San Joaquin Valley in 2020 was estimated to be more than 4.4 million people and is projected to increase to nearly 5 million people by 2035.[12]

B. Summary of the State's Submissions for the 2015 Ozone NAAQS in San Joaquin Valley

In this document, the EPA proposes action on all or portions of three SIP submissions, which we describe in the following paragraphs. Collectively, we refer to the relevant portions of the three SIP submissions as the SJV 70 ppb Ozone SIP.

1. SJV 2022 Ozone Plan

On February 23, 2023, CARB submitted the ''2022 Plan for the 2015 8-Hour Ozone Standard'' (''SJV 2022 Ozone Plan'') to the EPA as a revision to the California SIP.[13] The SIP revision includes the SJV 2022 Ozone Plan main document and appendices and CARB's aggregate emissions reduction commitment specified in CARB's Staff

[2] The State of California refers to reactive organic gases (ROG) in some of its ozone-related SIP submissions. As a practical matter, ROG and VOC refer to the same set of chemical constituents, and for the sake of simplicity, we refer to this set of gases as VOC in this proposed rule.

[3] 44 FR 8202 (Feb. 8, 1979).

[4] 62 FR 38856 (July 18, 1997).

[5] 73 FR 16436 (Mar. 27, 2008).

[6] 80 FR 65292 (Oct. 26, 2015); 40 CFR 50.19. In terms of parts per billion (ppb), the level of the 2015 ozone NAAQS is 70 ppb.

[7] 85 FR 87256 (Dec. 31, 2020). The SIP revision that is the subject of this document relates to the requirements for the 2015 ozone standards.

[8] 40 CFR 50.9(b) and 40 CFR 50.10(c).

[9] 83 FR 25776, 25790 (June 4, 2018), effective Aug. 3, 2018.

[10] CAA section 181(a)(1); 40 CFR 51.1302 and 51.1303(a).

[11] For a precise definition of the boundaries of the San Joaquin Valley nonattainment area for the 2015 ozone NAAQS, *see* 40 CFR 81.305.

[12] The population estimates and projections include all of Kern County, not just the portion of Kern County within the San Joaquin Valley air basin. *See* chapter 2 and Table 2–1 of the SJV 2022 Ozone Plan.

[13] CARB submitted the SJV 2022 Ozone Plan to the EPA electronically on February 23, 2023, as an attachment to a letter dated February 22, 2023, from Steven S. Cliff, Ph.D., Executive Officer, CARB, to Martha Guzman, Regional Administrator, EPA Region IX.

Report titled ''CARB Review of the San Joaquin Valley 2022 Plan for the 70 ppb 8-Hour Ozone Standard (Hearing Date: January 26, 2023)'' (''2023 CARB Staff Report'').[14]

In addition to the SIP revision, the February 23, 2023 SIP submission includes SJVUAPCD Resolution 22–12–13 (December 15, 2022), through which the District adopted the SJV 2022 Ozone Plan, and CARB Resolution 23–3 (January 26, 2023), through which CARB adopted the SJV 2022 Ozone Plan and its original aggregate emissions reduction commitment (including a subset from on-road mobile source measures for transportation conformity purposes) in support of the attainment demonstration in the SJV 2022 Ozone Plan. The February 23, 2023 SIP submission of the SJV 2022 Ozone Plan also included public process documentation at both the District and CARB levels.

The SJV 2022 Ozone Plan addresses certain nonattainment area SIP requirements for San Joaquin Valley for the 2015 ozone NAAQS. More specifically, the SJV 2022 Ozone Plan includes, among other elements, an updated base year (2017) emissions inventory, RACM demonstration, RFP demonstration, attainment demonstration, motor vehicle emissions budgets for RFP milestone years and the attainment year, and enhanced monitoring. The appendices to the SJV 2022 Ozone Plan provide documentation for the emissions inventories, RACM demonstrations for stationary and mobile sources, and the photochemical modeling conducted in support of the attainment demonstration.

The attainment demonstration in the SJV 2022 Ozone Plan relies on the 2022 State SIP Strategy and the aggregate emissions reductions commitment by CARB. We further describe the 2022 State SIP Strategy in section II.B.2 of this document. Also, since the submission of the SJV 2022 Ozone Plan, the District and CARB have replaced or updated certain elements of the plan, including the future year emissions inventories, attainment control strategy and associated commitments, the RFP demonstration, the motor vehicle emissions budgets, and the contingency measure elements, as discussed further below.

2. 2022 State SIP Strategy

On February 23, 2023, CARB submitted the ''2022 State Strategy for the State Implementation Plan'' (''2022 State SIP Strategy'') to the EPA as a revision to the California SIP.[15] The SIP revision for the 2022 State SIP Strategy includes the main document itself plus CARB's resolution of adoption of the 2022 State SIP Strategy (CARB Resolution 22–14). Considered together, the 2022 State SIP Strategy and CARB Resolution 22–14 originally committed the State of California to pursue 19 new SIP measures or otherwise address each measure as described in the 2022 State SIP Strategy by the dates specified in an attachment to CARB Resolution 22–14.[16] The overall 2022 State SIP Strategy combines the commitment to pursue certain new SIP measures on a specified schedule with an aggregate emissions reduction commitment for individual nonattainment areas made at the time CARB adopted attainment plans for the individual areas. In the case of the San Joaquin Valley for the 2015 ozone NAAQS, CARB's original aggregate emissions reductions commitment was made through CARB Resolution 23–3 adopting the SJV 2022 Ozone Plan.

3. 2026 Extreme Ozone SIP Revision

On September 23, 2026, CARB submitted the ''2026 State Implementation Plan Revisions for the California Extreme Ozone Nonattainment Areas'' (''2026 Extreme Ozone SIP Revision'') to the EPA as a revision to the California SIP.[17] CARB adopted the 2026 Extreme Ozone SIP Revision on July 23, 2026. The 2026 Extreme Ozone SIP Revision includes revisions to the future year emissions inventories, attainment demonstration and associated commitments, RFP demonstration, and motor vehicle emissions budgets in the SJV 2022 Ozone Plan. The budgets in the SJV 2022 Ozone Plan were derived from EMFAC2017 and the budgets in the 2026 Extreme Ozone SIP Revision are intended to update the EMFAC2017-derived budgets with revised budgets derived from the most recent EPA-approved motor vehicle emissions model for California, *i.e.,* EMFAC2021, with off-model adjustment factors accounting for Congress' enactment of statutes disapproving the waivers of preemption previously issued by the EPA for certain CARB mobile source regulations[18] and adjustment factors accounting for the EPA's partial approval and partial disapproval of CARB's Heavy-Duty Vehicle Inspection and Maintenance Regulation (''HD I/M Regulation'').[19] The 2026 Extreme Ozone SIP Revision also includes revisions to the 2022 State SIP Strategy and revisions to the control strategy and RFP demonstration from the SJV 2022 Ozone Plan to reflect the updated budgets. The 2026 Extreme Ozone SIP Revision includes revisions for other nonattainment area plans, but in this document, we propose action only on the 2026 Extreme Ozone SIP Revision as it pertains to the San Joaquin Valley for the 2015 ozone NAAQS.

4. Clean Air Act Procedural Requirements for Adoption and Submission of SIP Revisions

CAA sections 110(a) and 110(l) require a State to provide reasonable public notice and opportunity for public hearing prior to the adoption and submission of a SIP or SIP revision. To meet this requirement, every covered SIP submission should include evidence that adequate public notice was given and an opportunity to submit written comments and request a public hearing was provided consistent with the EPA's implementing regulations in 40 CFR 51.102.

Both the District and CARB have satisfied the applicable statutory and regulatory requirements for reasonable public notice and hearing prior to the adoption and submission of the SJV 2022 Ozone Plan, the 2022 State SIP Strategy, and the 2026 Extreme Ozone SIP Revision. With respect to the SJV 2022 Ozone Plan, the District conducted

[14] CARB's aggregate emission reduction commitment for San Joaquin Valley is described in section IV.B.2.d of the 2023 CARB Staff Report.

[15] CARB submitted the 2022 State SIP Strategy to the EPA electronically on February 23, 2023, as an attachment to a letter dated February 22, 2023, from Steven S. Cliff, Ph.D., Executive Officer, CARB, to Martha Guzman, Regional Administrator, EPA Region IX.

[16] The action dates specified in Attachment A to CARB Resolution 22–14 vary among the measures but range from 2021 through 2029. Implementation dates range from 2023 through 2031.

[17] CARB submitted the 2026 Extreme Ozone SIP Revision to the EPA electronically on September 23, 2026, as an attachment to a letter dated September 23, 2026, from Steven S. Cliff, Ph.D., Executive Officer, CARB, to Michael Martucci, Acting Regional Administrator, EPA Region IX.

[18] H.J. Res. 87, Public Law 119–15, 139 Stat. 65 (2025) (for ACT, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation, and Zero-Emission Powertrain Certification); and H.J. Res. 89, Public Law 119–17, 139 Stat. 67 (2025) (for Omnibus Low NO_X Program). *See also,* letter dated November 21, 2025, from Anita Lee, Acting Director, Air and Radiation Division, EPA Region IX, to Edie Chang, Deputy Executive Officer, CARB (approving EMFAC2021 off-model adjustment factors to remove emission reductions from regulations whose waivers were disapproved by H.J. Res. 87 and H.J. Res. 89).

[19] 91 FR 5325 (Feb. 6, 2026) (EPA partial approval and partial disapproval of the HD I/M Regulation). *See also* letter dated May 6, 2026, from Anita Lee, Acting Director, Air and Radiation Division, EPA Region IX, to Matt Lakin, Division Chief, Air Quality Planning and Science Division, CARB (approving EMFAC2021 off-model adjustment factors to incorporate emissions reductions from implementation of the HD I/M Regulation with respect to vehicles registered in-state but not vehicles registered out of state).

six public workshops on the draft SJV 2022 Ozone Plan.[20] On November 15, 2022, the District provided notice of an opportunity to submit written comments and notice of a public hearing to be held on December 15, 2022, for the adoption of the proposed SJV 2022 Ozone Plan. On December 15, 2022, the District held the public hearing, and, through Resolution 22–12–13, adopted the SJV 2022 Ozone Plan.

CARB also provided the public notice and opportunity for public comment on the SJV 2022 Ozone Plan. On December 16, 2022, CARB released for public review and comment the 2023 CARB Staff Report and published a notice of public meeting to be held on January 26, 2023, to consider approval of the SJV 2022 Ozone Plan and the related aggregate emissions reduction commitment as described in the 2023 CARB Staff Report. On January 26, 2023, CARB held the hearing and approved the SJV 2022 Ozone Plan and 2023 CARB Staff Report through CARB Resolution 23–3. On February 23, 2023, the Executive Officer of CARB submitted the SJV 2022 Ozone Plan and 2023 CARB Staff Report to the EPA as a revision of the California SIP and included the transcript of the public hearing.

With respect to the 2022 State SIP Strategy, CARB conducted three public workshops on the Draft 2022 State SIP Strategy.[21] On August 12, 2022, CARB circulated for public review and comment the proposed 2022 State SIP Strategy and provided notice of a public hearing by the CARB Board to be held on September 22, 2022. On September 22, 2022, through Resolution 22–14, CARB adopted the 2022 State SIP Strategy and the commitment to pursue new SIP measures or otherwise address each measure as described in the 2022 State SIP Strategy by the dates specified in Attachment A to Resolution 22–14. On February 23, 2023, CARB submitted the 2022 State SIP Strategy to the EPA as a revision to the California SIP and included the transcript of the public hearing.

With respect to 2026 Extreme Ozone SIP Revision, on April 17, 2026, CARB provided notice of opportunity to submit written comments and notice of a public hearing to be held on May 28, 2026, for adoption of the proposed 2026 Extreme Ozone SIP Revision. On May 18, 2026, CARB posted errata to correct transcription errors in the 2026 Extreme Ozone SIP Revision, and on May 27, 2026, and June 12, 2026, CARB rescheduled the public hearing to July 23, 2026, and extended the comment period to July 13, 2026. CARB held the public hearing and adopted the 2026 Extreme Ozone SIP Revision, through Resolution 26–5, on July 23, 2026. On September 23, 2026, CARB submitted the 2026 Extreme Ozone SIP Revision to the EPA as a revision of the California SIP and included the transcript of the public hearing.

Based on information provided in each SIP revision and summarized herein, the EPA has determined that CARB and the District provided for the required opportunities for public participation in the development and adoption of the SIP revisions that comprise the SJV 70 ppb Ozone SIP. Therefore, we propose to find that the submissions that comprise the SJV 70 ppb Ozone SIP (*i.e.,* the SJV 2022 Ozone Plan, the 2022 State SIP Strategy, and the 2026 Extreme Ozone SIP Revision) meet the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l) and 40 CFR 51.102.

C. Emissions Inventories

1. Statutory and Regulatory Requirements

CAA sections 172(c)(3) and 182(a)(1) require States to submit for each ozone nonattainment area a ''base year inventory'' that is a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the area. Emissions inventories for ozone must include emissions of VOC and NO_X and represent emissions for a typical ozone season weekday.[22] States should include documentation explaining how the emissions data were calculated. In estimating mobile source emissions, States should use the latest emissions models and planning assumptions available at the time the SIP is developed.[23]

Future year projected emissions inventories must reflect the most recent population, employment, travel, and congestion estimates for the area. Projected inventories will reflect the net effect of emissions resulting from anticipated changes in future activity (such as emissions increases due to growth in vehicle miles traveled (VMT)); emission decreases due to implementation of existing requirements for stationary source and car/truck emissions; and the effects of new control measures needed to reduce emissions and bring nonattainment areas and States into compliance with a particular SIP requirement.[24] Both the base year and future year inventories are necessary for the RFP demonstration and photochemical modeling to demonstrate attainment.

On July 27, 2020, CARB submitted the base year (2017) emissions inventories for certain nonattainment areas, including San Joaquin Valley, for the 2015 ozone NAAQS. In 2022, the EPA approved the base year emissions inventory for San Joaquin Valley for the 2015 ozone NAAQS as meeting the requirements of CAA sections 172(c)(3) and 182(a)(1) and 40 CFR 51.1315.[25]

2. Summary of the State's Submission

The SJV 2022 Ozone Plan includes an updated emissions inventory for the base year (2017) and emissions projections for calendar years 2022 through the 2037 attainment year.[26] The updated base year and future year projected emissions inventories in the SJV 2022 Ozone Plan are presented in terms of average ozone season tons per day (tpd). With respect to the base year emissions inventories, the differences between the approved base year emissions inventory and the updated base year emissions inventory in the SJV 2022 Ozone Plan primarily relate to the emissions estimates for trains, recreational boats, and off-road equipment.[27]

Documentation for the inventories is found in Appendix B of the SJV 2022 Ozone Plan. Because ozone levels in the area are typically highest during the summer months, the inventories represent average summer day emissions from May through October. The inventories in Appendix B reflect District and CARB rules adopted through the end of calendar year 2021. The future year emissions inventories documented in Appendix B of the SJV 2022 Ozone Plan are referred to as ''baseline'' future year emissions inventories to distinguish them from other future year emissions inventories.

[20] SJV 2022 Ozone Plan, Executive Summary, page ES–7 and chapter 1, page 1–11.

[21] 2022 State SIP Strategy, page 9.

[22] 40 CFR 51.1315(a) and (c), and 40 CFR 51.1300(p) and (q).

[23] 83 FR 62998, 63022 (Dec. 6, 2018).

[24] EPA, ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' EPA–454/B–17–002, May 2017, page 48.

[25] 87 FR 59015 (Sep. 29, 2022).

[26] SJV 2022 Ozone Plan, Appendix B.

[27] The approved base year emissions inventory for San Joaquin Valley is 220.2 tpd for NO_X and 307.85 tpd for VOC. In comparison, the updated base year emissions inventory for San Joaquin Valley in the SJV 2022 Ozone Plan is 232.4 tpd for NO_X and 325.7 tpd for VOC. Both the approved base year emissions inventory for the San Joaquin Valley and the updated base year emissions inventory in the SJV 2022 Ozone Plan reflect anthropogenic emissions only.

Baseline future year emissions inventories correspond to the anthropogenic emissions sources within the nonattainment area, reflect regulations adopted by the time of plan development, and are used for the RFP demonstration. The SJV 2022 Ozone Plan also includes other future year emissions inventories, including the modeled attainment emissions inventory for the nonattainment area, which is similar to the baseline future year emissions inventory except that it also reflects emissions reductions that the State has committed to achieve. The emissions inventories developed for modeling purposes are similar to the other emissions inventories, but they include nonanthropogenic emissions sources and cover a geographic area larger than the nonattainment area.

The VOC and NO_X emissions estimates are grouped into two general categories, stationary sources and mobile sources. Stationary sources are further divided into ''point'' and ''area'' sources. Point sources typically refer to stationary sources that are permitted facilities and have one or more identified and fixed pieces of equipment and emissions points. Area sources consist of widespread and numerous smaller emissions sources, such as residential fuel combustion, managed burning and disposal, farming operations, consumer products, pesticides, and architectural coatings.[28] Mobile sources are divided into two major subcategories, ''on-road'' and ''off-road'' mobile sources. On-road mobile sources include, among other vehicle classifications, light-duty automobiles; light-, medium-, and heavy-duty trucks; and motorcycles. Off-road mobile sources include farm equipment, off-road equipment (such as construction equipment), locomotives, portable equipment, recreational boats, aircraft, fuel storage and handling, and recreational vehicles.

Emissions from point sources (also referred to as ''stationary sources'') for the 2017 base year emissions inventory are calculated using data from facilities using the District's annual emissions reporting program. Under this program, the District requests annual emissions inventories from all permitted sources in the San Joaquin Valley. The District sends each permitted facility an inventory statement or inventory survey form. An emissions inventory statement is required for those facilities that have actual annual emissions of greater than or equal to 25 tons of VOC or NO_X and an emissions inventory survey form is required for sources that have potential annual emissions less than 25 tons.[29]

Stationary point sources also include smaller point sources, such as gasoline dispensing facilities, that are not inventoried individually but are estimated as a group and reported as a single source category. Emissions from these sources are estimated using various models and methodologies.[30] Area sources include smaller emissions sources distributed across the nonattainment area. CARB and the District estimate emissions for numerous area source categories using established inventory methods, including publicly available emissions factors and activity information.[31]

On-road emissions inventories in the SJV 2022 Ozone Plan are calculated using CARB's EMFAC2017 model, the EPA-approved version of California's motor vehicle emissions model available at the time of plan development,[32] and the travel activity data (VMT and speed distributions) provided by the eight county-based metropolitan planning organizations (MPOs) in the San Joaquin Valley from their 2019 Federal Statewide Transportation Improvement Program (FSTIP) amendments.[33] Off-road emissions inventories are estimated using specific models for several source categories and OFFROAD2007 for all other source categories.[34]

CARB used the California Emission Projection Analysis Model (CEPAM), 2019 SIP Baseline Emission Projections, Version 1.04 (''CEPAM2019 version 1.04'') to develop future year emissions forecasts (*i.e.,* RFP milestone years of 2023, 2026, 2029, 2032, and 2035, and attainment year of 2037). In doing so, CARB and the District reviewed the inventory for accuracy of point source emissions reports, use of the most recently approved models and methodologies for mobile and area sources, and growth and control profiles for point source and area source categories, and updated them to reflect trends, current conditions, and recent economic and demographic forecasts.[35]

With respect to on-road mobile sources, CEPAM2019 version 1.04 incorporated output from EMFAC2017 but also included emissions reductions attributable to certain CARB regulations adopted after development of EMFAC2017 but before submission of the SJV 2022 Ozone Plan. These regulations originally included California's Advanced Clean Trucks (ACT) Regulation, Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions (''Heavy-Duty Warranty Phase 1''), Zero-Emission Airport Shuttle Regulation, Heavy-Duty Engine and Vehicle Omnibus Regulation and Amendments (''Omnibus Low NO_X Program''), and CARB's HD I/M Regulation (also referred to as California's ''Clean Truck Check'' program).

In the 2026 Extreme Ozone SIP Revision, CARB revised the on-road emissions inventories from the SJV 2022 Ozone Plan to reflect developments that occurred since adoption of the SJV 2022 Ozone Plan. Specifically, CARB developed a revised version of CEPAM2019 version 1.04 that takes into account Congress' enactment of statutes disapproving the waivers of preemption previously issued by the EPA for California's ACT Regulation, Heavy-Duty Warranty Phase 1,[36] Zero-Emission Airport Shuttle Regulation, and Omnibus Low NO_X Program [37] by

[28] SJV 2022 Ozone Plan, Appendix B, Table B–1 and Table B–2.

[29] SJV 2022 Ozone Plan, Appendix B, pages B–14 to B–15.

[30] SJV 2022 Ozone Plan, Appendix B, pages B–27 to B–32. Category-specific models and methodologies for smaller point sources were used for stationary non-agricultural diesel engines, agricultural diesel irrigation pumps, wine fermentation and aging, laundering, degreasing, coatings and thinners, adhesives and sealants, gasoline dispensing facilities, gasoline cargo tanks, marine petroleum loading and unloading, and oil and gas production.

[31] SJV 2022 Ozone Plan, Appendix B, pages B–32 to B–35. Category-specific models and methodologies developed by CARB for area sources include those for consumer products and aerosol coatings, architectural coatings, pesticides, residential wood combustion, residential natural gas combustion, residential distillate oil and liquefied petroleum gas, farming operations, and fires.

[32] EMFAC is short for EMission FACtor. The EPA announced the availability of the EMFAC2017 model for use in State implementation plan development and transportation conformity in California on August 15, 2019. 84 FR 41717 (Aug. 15, 2019). The EPA's approval of the EMFAC2017 emissions model for SIP and conformity purposes was effective on the date of publication of the notice in the **Federal Register**.

[33] SJV 2022 Ozone Plan, Appendix B, page B–18 and Appendix D, page D–32.

[34] SJV 2022 Ozone Plan, Appendix B, pages B–21 to B–27. Category-specific emissions models were used for recreational marine vessels, recreational vehicles, fuel storage and handling, small off-road engines, ocean-going vessels, commercial harbor craft, locomotives (including models for military and industrial locomotives), diesel agricultural equipment, in-use off-road equipment, cargo handling equipment, transportation refrigeration units, portable equipment, large spark ignition equipment (*e.g.,* forklifts), and forestry equipment.

[35] SJV 2022 Ozone Plan, Appendix B, pages B–15 to B–17.

[36] The public law disapproving the waiver of preemption previously issued by the EPA for Heavy-Duty Warranty Phase 1, *i.e.,* H.J. Res. No. 87, Public Law 119–15, 139 Stat. 65 (2025), refers to the ''Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions.'' The two terms refer to the same set of regulations and amendments.

[37] The public law disapproving the waiver of preemption previously issued by the EPA for the

Continued

removing the emissions reductions attributable to those regulations.[38] CARB also revised CEPAM2019 version 1.04 to reflect the EPA's partial disapproval of California's HD I/M Regulation by removing the emissions reductions attributable to implementation of the program to vehicles registered out-of-state and out-of-country (''out-of-state vehicles'').

The 2026 Extreme Ozone SIP Revision did not revise the base year (2017) emissions inventory or the future year emissions projections prepared for the SJV 2022 Ozone Plan for the other major source categories, including stationary and area-wide sources and off-road (nonroad) vehicles and equipment.

The calendar year 2017 is the base year in the SJV 2022 Ozone Plan because 2017 was the most recent calendar year for which a complete triennial inventory was required to be submitted to the EPA under the provisions of 40 CFR part 51, subpart A, at the time of plan development. The 2017 base year inventory was used to forecast all future year emissions for stationary, area, and mobile sources.[39]

The future year emission estimates in the SJV 2022 Ozone Plan include additional, specific adjustments to account for pre-base year emissions reduction credits (ERCs). Under the EPA's SIP regulations for nonattainment new source review (NSR) programs, a State may allow new major stationary sources or major modifications to use as offsets ERCs that were generated through shutdown or curtailed emissions units occurring before the base year of an attainment plan. However, to use such ERCs, the projected emissions inventories used to develop the RFP and attainment demonstration must explicitly include the emissions from such previously shutdown or curtailed emissions units.[40]

The District has elected to provide for use of pre-base year ERCs as offsets through an evaluation of the amount of such offsets expected to be used through 2037 relative to the general growth in emissions for the relevant stationary source categories that is included in future year emissions inventories developed using CEPAM.[41] With respect to VOC, the District expects that general VOC growth included in CEPAM is sufficient to account for the magnitude of pre-baseline VOC ERC usage that is forecasted to be used through 2037. As for NO_X, the District concludes that the general NO_X growth included in CEPAM is not sufficient to account for the magnitude of pre-baseline NO_X ERC usage that is expected to be used through 2037. As such, the District added an additional pre-baseline NO_X ERC usage tonnage of 2.43 tpd to the plan by factoring the additional tonnage into the RFP and attainment demonstrations.[42] [43] Moreover, the District has adopted a cap on the amount of pre-baseline ERCs that can be used through 2037 to assure that the use of pre-baseline ERCs does not interfere with RFP or attainment.[44]

Table 1 of this document provides a summary of the baseline emissions inventories for the base year and future years in tpd (average summer day) for VOC and NO_X for the 2015 ozone NAAQS.[45] Based on the emissions inventory for 2017, the largest VOC emission sources are area sources, followed by stationary sources, off-road mobile sources, and finally on-road mobile sources, and the largest NO_X emission sources are on-road and off-road mobile sources, followed by stationary sources, and finally area sources. A comparison of the base year with the future years shows the substantial decrease that is expected to be achieved through CARB's regulations for on-road and off-road mobile sources together with vehicle turnover (*i.e.,* the replacement of older, more polluting models with new models manufactured to meet tighter emissions standards). For a more detailed discussion of the methodologies used to develop the inventories, *see* Appendix B of the SJV 2022 Ozone Plan and pages 39 through 40 of the 2026 Extreme Ozone SIP Revision.

TABLE 1—SAN JOAQUIN VALLEY BASE YEAR AND FUTURE YEAR BASELINE EMISSIONS INVENTORIES FOR THE 2015 OZONE NAAQS

[Summer planning inventory, tpd]

	2017		2023		2026		2029		2032		2035		2037	
	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC
Stationary Sources	24.49	83.88	21.93	82.96	19.43	84.65	18.42	85.57	16.54	87.65	16.25	90.49	16.20	92.85
Area Sources	7.70	154.78	7.33	156.69	4.01	153.84	3.92	155.15	3.80	156.78	3.68	158.22	3.62	159.21
On-Road Mobile Sources	100.61	33.92	51.64	21.17	40.59	18.79	36.24	17.12	33.95	15.57	32.66	14.20	32.37	13.58
Off-Road Mobile Sources	99.59	53.10	77.53	44.99	67.97	39.51	60.98	34.17	55.51	30.21	50.52	27.23	46.60	25.46
Total	232.39	325.68	158.43	305.81	132.00	296.78	119.56	292.02	109.80	290.21	103.10	290.13	98.80	291.11

Source: 2026 Extreme Ozone SIP Revision, Table 14 and Appendix A, pages A–11 to A–14. The sum of the emissions values may not equal the total due to rounding of the numbers.

Omnibus Low NO_X Program, *i.e.,* H.J. Res. No. 89, Public Law 119–17, 139 Stat. 67 (2025), refers to the ''The 'Omnibus' Low NO_X Regulation.'' The two terms refer to the same set of regulations and amendments.

[38] 2026 Extreme Ozone SIP Revision, pages 40 through 41. We note that one of these statutes included disapproval of the waiver for the Zero-Emission Powertrain Certification Regulation, which supported the implementation of other truck regulations but did not, in itself, achieve emission reductions. *See* Public Law 119–15, 139 Stat. 65 (2025). Therefore, there were no emission reductions to remove from the baseline emission reductions with respect to this measure.

[39] SJV 2022 Ozone Plan, Appendix B, pages B–16 to B–17.

[40] 40 CFR part 51, Appendix S, section IV.C.5.

[41] For the District's analysis and tables of ERCs, *see* SJV 2022 Ozone Plan, Appendix I (''Emission Reduction Credits'').

[42] SJV 2022 Ozone Plan, Table 6–1, page 6–3, Appendix G, page G–35 and Appendix F, page F–14; and 2026 Extreme Ozone SIP Revision, Table 15, page 42.

[43] For an explanation for how the additional tonnage of 2.43 tpd of NO_X was incorporated into the attainment demonstration, see email dated Sep. 18, 2026, from Ariel Fideldy, Chief, Air Quality Planning Branch, CARB to Rory Mays, EPA Region IX.

[44] SJV 2022 Ozone Plan, Appendix I, page I–4. The caps are 9.60 tpd for VOC and 3.40 tpd for NO_X. For additional explanation for the caps and tracking process, see the emails dated September 11, 2026, and September 23, 2026, from Tim Franquist, Director of Air Quality Planning, SJVUAPCD, to Rory Mays, EPA Region IX.

[45] Table 1 summarizes anthropogenic emissions sources only, which is consistent with the EPA's ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' May 2017. Anthropogenic emissions sources are distinguishable from natural sources, which include biogenic, geogenic, and wildfire emissions sources. Both anthropogenic and natural sources of emissions are, however, included in emissions inventories used for attainment demonstration modeling purposes.

3. The EPA's Review of the State's Submission

As noted previously, the EPA approved the base year emissions inventory for San Joaquin Valley for the 2015 ozone NAAQS in 2022. We are reviewing the updated base year emissions inventory in the SJV 2022 Ozone Plan to ensure that it continues to meet the requirements of CAA sections 172(c)(3) and 182(a)(1) and 40 CFR 51.1315.

We have reviewed the 2017 base year emissions inventory in the SJV 2022 Ozone Plan and the inventory methodologies used by the District and CARB for consistency with CAA requirements and EPA guidance. First, we find that the 2017 inventory includes estimates for VOC and NO_X for a typical ozone season weekday and that CARB and the District have provided adequate documentation explaining how the emissions are calculated. Second, we find that the 2017 base year emissions inventory in the SJV 2022 Ozone Plan reflects appropriate emissions models and methodologies and, therefore, represents a comprehensive, accurate, and current inventory of actual emissions during that year in the San Joaquin Valley. Therefore, the EPA proposes to approve the 2017 emissions inventory in the SJV 2022 Ozone Plan as meeting the requirements for base year inventories for the 2015 ozone NAAQS set forth in CAA sections 172(c)(3) and 182(a)(1) and 40 CFR 51.1315.

With respect to the future year baseline emissions inventories, we have reviewed the growth and control factors and find them acceptable and conclude that the future baseline emissions inventories in the SJV 2022 Ozone Plan, as revised by the 2026 Extreme Ozone SIP Revision, reflect appropriate calculation methods and the latest planning assumptions. We have reviewed the documentation for the ERCs and find that they are appropriately accounted for in the future year baseline emissions inventories as an off-model adjustment to the inventories. Moreover, we recognize the District's adoption of a cap on the amount of pre-baseline ERCs that can be used through 2037 as providing further assurance that the use of pre-baseline ERCs does not interfere with RFP or attainment of the 2015 ozone NAAQS in the San Joaquin Valley.

Also, as a general matter, the EPA will approve a SIP revision that takes emissions reduction credit for a control measure only where the EPA has approved the measure as part of the SIP. Thus, to take credit for the emissions reductions from District and CARB rules for stationary, area, and mobile sources, those rules must be approved by the EPA into the SIP.[46] The EPA performed a review of District and CARB rules relied upon in developing the future baseline emissions inventories for the SJV 2022 Ozone Plan, as revised by the 2026 Extreme Ozone SIP Revision.[47] Based on our review, we find that most of the rules relied upon in developing the future baseline emissions inventories are approved as part of the SIP.[48] However, there are several exceptions where EPA action is pending on SIP submissions of District and CARB rules that are relied upon in the future baseline emissions inventories. We discuss these exceptions in further detail in sections II.E (regarding the attainment demonstration) and II.F (regarding the RFP demonstration) of this document.

Broadly speaking, we therefore propose to find that the future year baseline emissions inventories in the SJV 2022 Ozone Plan, as revised by the 2026 Extreme Ozone SIP Revision, are properly supported by SIP-approved stationary, area, and mobile source measures.

D. Reasonably Available Control Measures Demonstration

1. Statutory and Regulatory Requirements

CAA section 172(c)(1) requires that each attainment plan provide for the implementation of all RACM as expeditiously as practicable (''including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)''), and to provide for attainment of the NAAQS. The 2015 Ozone SRR requires that, for each nonattainment area required to submit an attainment demonstration, the State concurrently submit a SIP revision demonstrating that it has adopted all RACM necessary to demonstrate attainment as expeditiously as practicable and to meet any RFP requirement.[49]

The EPA has previously provided guidance interpreting the RACM requirement in the ''General Preamble for the Implementation of the Clean Air Act Amendments of 1990'' (''General Preamble'') and in a memorandum entitled ''Guidance on the Reasonably Available Control Measure Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas.'' [50] In short, to address the requirement to adopt all RACM, States should consider all potentially reasonable measures for source categories in the nonattainment area to determine whether they are reasonably available for implementation in that area and whether they would, if implemented individually or collectively, advance the area's attainment date by one year or more.[51]

For ozone nonattainment areas classified as ''Moderate'' or above, CAA section 182(b)(2) also requires implementation of RACT for all major sources of VOC and for each VOC source category for which the EPA has issued control techniques guidelines. CAA section 182(f) requires that RACT under CAA section 182(b)(2) also apply to major stationary sources of NO_X. In Extreme areas, a major source is a stationary source that emits or has the potential to emit at least 10 tpy of VOC or NO_X (CAA sections 182(e) and (f)). Under the 2015 Ozone SRR, States were required to submit SIP revisions meeting the RACT requirements of CAA sections 182(b)(2) and 182(f) no later than 24 months after the effective date of designation for the 2015 ozone NAAQS. Implementation of the required RACT measures is required as expeditiously as practicable but no later than January 1 of the 5th year after the effective date of designation for the 2015 ozone NAAQS (*see* 40 CFR 51.1312(a)).[52]

[46] *See generally Comm. for a Better Arvin* v. *EPA,* 786 F.3d 1169, 1175–77 (9th Cir. 2015).

[47] The EPA's review of District rules relied upon in developing the baseline future year emissions inventories is presented in the EPA's ''Technical Support Document, EPA Evaluation of District Control Measures and Transportation Conformity Budgets for the San Joaquin Valley 70 ppb Ozone SIP,'' October 2026.

[48] For mobile source rules, *see, e.g.,* 81 FR 39424 (June 16, 2016), 82 FR 14446 (Mar. 21, 2017), and 83 FR 23232 (May 18, 2018), as well as 75 FR 26653 (May 12, 2010) (revisions to California on-road reformulated gasoline and diesel fuel regulations), 75 FR 38023 (July 1, 2010) (revisions to California Smog Check program), 87 FR 27949 (May 10, 2022) (Heavy-Duty Vehicle Inspection Program/Periodic Smoke Inspection Program), and 91 FR 5325 (Feb. 6, 2026) (partial approval of the HD I/M Regulation).

[49] 40 CFR 51.1312(c).

[50] *See* General Preamble, 57 FR 13498, 13560 (Apr. 16, 1992) and memorandum dated November 30, 1999, from John S. Seitz, Director, OAQPS, to Regional Air Directors, Subject: ''Guidance on the Reasonably Available Control Measure Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas.''

[51] *Ibid see also* 44 FR 20372 (Apr. 4, 1979), and memorandum dated December 14, 2000, from John S. Seitz, Director, OAQPS, to Regional Air Directors, Subject: ''Additional Submission on RACM From States with Severe One-Hour Ozone Nonattainment Area SIPs.''

[52] Under 40 CFR 51.1312(a)(3), the implementation deadline for implementing RACT in the San Joaquin Valley was January 1, 2023.

Continued

2. Summary of the State's Submission

For the SJV 2022 Ozone Plan, the District, CARB, and the local MPOs each undertook a process to identify and evaluate potential RACM that could contribute to expeditious attainment of the 2015 ozone NAAQS in the San Joaquin Valley. We describe each agency's process below.

a. District's RACM Analysis

The District's RACM demonstration and control strategy for the 2015 ozone NAAQS focuses on stationary and area source controls and is described in Chapter 3 and Appendix C of the SJV 2022 Ozone Plan. To identify potential RACM, the District reviewed 60 District rules for the wide array of emission source categories in the San Joaquin Valley and compared those measures against Federal requirements and regulations implemented by the State and other air districts.

Prior to the adoption of the SJV 2022 Ozone Plan, the District developed and implemented comprehensive plans to provide for attainment of the NAAQS for particulate matter less than 2.5 μm in diameter ($PM_{2.5}$) (*e.g.,* the ''2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards'' (''2018 $PM_{2.5}$ Plan'')) and ozone (*e.g.,* the ''2016 Plan for the 2008 8-Hour Ozone Standard'' (''2016 Ozone Plan'')).[53] These plans have resulted in the District's adoption of many new rules and amendments to existing rules for stationary and area sources, including amendments to District rules for flares; large boilers, steam generators, and process heaters; solid fuel-fired boilers, steam generators, and process heaters; glass melting furnaces; internal combustion engines; and woodburning fireplaces and heaters.

Table 2 identifies the District control measures, as listed in Table 3–1 of the SJV 2022 Ozone Plan, that contribute to attainment of the 2015 ozone NAAQS by 2037 and the dates on which CARB submitted the measure or, if applicable, the EPA approved the measure. As shown in Table 2, the EPA has approved most of these measures into the California SIP.

TABLE 2—DISTRICT RULES ACHIEVING EMISSION REDUCTIONS IN OR AFTER 2017 THAT ARE ACCOUNTED FOR IN THE SJV 2022 OZONE PLAN ATTAINMENT DEMONSTRATION

Rule No.	Rule title	Amendment date cited in plan	Implementation begins	EPA final action date or CARB SIP submission date
4103[a]	Open Burning	6/17/2021	2021–2025	87 FR 36222 (June 16, 2022).
4308	Boilers, Steam Generators, and Process Heaters—0.075 MMBtu/hr to less than 2.0 MMBtu/hr[b].	11/14/2013	2015–2034	80 FR 7803 (Feb. 12, 2015).
4311	Flares	12/17/2020	2024	87 FR 79806 (Dec. 28, 2022)
4306/4320	Boilers, Steam Generators, and Process Heaters—Phase 3/Greater Than 5.0 MMBtu/hr[b].	12/17/2020	2024	SIP submitted March 12, 2021.
4352	Solid Fuel Fired Boilers, Steam Generators, and Process Heaters.	12/16/2021	2024	SIP submitted March 9, 2022.
4354	Glass Melting Furnaces	12/16/2021	2024, 2030	SIP submitted March 9, 2022.
4601	Architectural Coatings	4/16/2020	2022	87 FR 78544 (Dec. 22, 2022).
4702	Internal Combustion Engines	8/19/2021	2024, 2030	SIP submitted Oct. 15, 2021.
4901[c]	Wood Burning Fireplaces and Wood Burning Heaters.	6/20/2019	2019	85 FR 44206 (July 22, 2020).
4902	Residential Water Heaters	3/19/2009	2010–2017	75 FR 24408 (May 5, 2010).
4905[d]	Natural Gas-Fired, Fan-Type Residential Central Furnaces.	12/16/2021	2015–2035	SIP submission of 2021 amendments withdrawn on May 7, 2024; EPA approved prior SIP submission of 2015 amendments at 81 FR 17390 (Mar. 29, 2016).
9410	Employer Based Trip Reduction	12/17/2009	Ongoing	81 FR 6761 (Feb. 9, 2016).
9510	Indirect Source Review	12/21/2017	Ongoing	86 FR 33542 (June 25, 2021).
9610	[SIP] Credit for Emission Reductions Generated Through Incentive Programs.	6/20/2013	Ongoing	80 FR 19020 (Apr. 9, 2015).

Source: Columns 1–4 of the table are from SJV 2022 Ozone Plan, Table 3–1.
[a] The open burning amendments are implemented via District Resolution 21–06–12 and related materials for Rule 4103.
[b] Million British Thermal Units per hour (MMBtu/hr).
[c] The District further amended Rule 4901 on May 18, 2023, for contingency measures and the EPA has approved the amendment into the SIP. 89 FR 80749 (Oct. 4, 2024).
[d] The District further amended Rule 4905 on March 21, 2024, and submitted a SIP revision for the amendments to the EPA on May 7, 2024.

The District's RACM evaluation in Appendix C of the SJV 2022 Ozone Plan provides the following for each rule reviewed:

- Base year and projected baseline emissions for the affected source category;
- Description of the affected sources and discussion of the current requirements of the rule, including any recent amendments as of the plan's development;
- Discussion of potential additional control measures, including, in many cases, a discussion of the technological and economic feasibility of the additional control measures. This includes comparison of each District rule to analogous control measures adopted by other agencies (including the EPA, the State, and other air districts such as Bay Area Air Quality Management District, South Coast Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and Ventura County Air Pollution Control District);

California submitted the RACT SIP for the 2015 ozone NAAQS for San Joaquin Valley on August 3, 2020. The EPA will act on the RACT SIP submission in a separate rulemaking. The EPA's proposed action on RACM does not approve or prejudge RACT and any RACT deficiency will be addressed in the separate action.

[53] SJV 2022 Ozone Plan, Appendix C, page C–1. *See, e.g.,* the EPA's approval of the 2018 $PM_{2.5}$ Plan with respect to the best available control measure (BACM) and most stringent measure (MSM) requirements for the 2006 $PM_{2.5}$ NAAQS at 85 FR 44192 (July 22, 2020) and the EPA's approval of the 2016 Ozone Plan with respect to the RACM requirement at 84 FR 3302 (Feb. 12, 2019).

• Statement of whether potential additional control measures would be available and appropriate for contingency measure requirements; and

• A summary of the District's findings.

Based on its evaluation, the District concludes that it is implementing all RACM for sources under the District's jurisdiction.

b. CARB's RACM Analysis

Chapter 5, subchapter 5.3.2 and Appendix D of the SJV 2022 Ozone Plan contain CARB's evaluation of mobile source and other statewide control measures that reduce emissions of NO_X and VOC in the San Joaquin Valley. Source categories for which CARB has primary responsibility for reducing emissions in California include most new and existing on- and off-road engines and vehicles, motor vehicle fuels, and consumer products. The California Department of Pesticide Regulation (DPR) is responsible for regulating the application of pesticides, which is a significant source of VOC emissions in the San Joaquin Valley.

Given the need for substantial emissions reductions from mobile and area sources to meet the NAAQS in California nonattainment areas, the State has developed stringent control measures for on-road and off-road mobile sources and the fuels that power them. CAA section 209(a) includes a broad preemption provision, which states that ''[n]o State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines.'' However, Congress provided an exception in CAA section 209(b), under which California can obtain a waiver of preemption from the EPA if certain statutory conditions are met. Under CAA section 209(e)(2)(A), California may similarly seek and obtain a waiver of preemption, also called an authorization, from the EPA to adopt and enforce standards and other requirements related to the control of emissions from nonroad vehicles or engines, with certain exceptions, if certain statutory conditions are met. The EPA has approved mobile source regulations for which waivers or authorizations have been issued as revisions to the California SIP.[54]

CARB's mobile source program extends beyond regulations that are subject to the preemption and waiver or authorization process set forth in CAA section 209, including standards and other requirements to control emissions from in-use heavy-duty trucks and buses and gasoline and diesel fuel specifications.[55] Generally, these regulations have been submitted and approved as revisions to the California SIP.[56]

In addition, CARB presents its RACM analysis of area source programs under the jurisdiction of State agencies, such as those for VOC emissions from consumer products (including CARB's Consumer Products Regulations adopted through 2021) and pesticide application (including DPR's regulations adopted through 2013 that apply in the San Joaquin Valley).[57] Similarly, these regulations have been submitted and approved as revisions to the California SIP.[58]

The State concludes that, in light of the comprehensiveness and stringency of the State's mobile and area source programs, all RACM for mobile and area sources under CARB's and DPR's jurisdictions are being implemented, and that no additional reasonably available measure would advance attainment of the 2015 ozone NAAQS by at least a year.

c. Local Jurisdictions' RACM Analysis and Transportation Control Measures

Chapter 5, subchapter 5.3.3 and section D.3.4 and Attachment A of Appendix D of the SJV 2022 Ozone Plan contain the evaluation of transportation control measures (TCMs) for all the San Joaquin Valley MPOs, building upon analyses prepared in the development of the MPOs' 2022 Regional Transportation Plans (RTPs) and 2023 FSTIPs. These RTP and FSTIP amendments were developed in consultation with Federal, State, and local transportation and air quality planning agencies and other stakeholders. The MPOs already implement many of the TCMs identified in CAA section 108(f) through planning efforts such as the Congestion Mitigation and Air Quality (CMAQ) cost effectiveness policy that the MPOs adopted in 2007. While the MPOs found that the selected TCMs contribute to the SJV air quality attainment goals, they also state that the emission reductions from such TCMs were too small or impossible to quantify and they conclude that such TCMs would therefore not advance the attainment date.[59]

As part of its overall RACM conclusion, the State concludes that all RACM are being implemented in the San Joaquin Valley, inclusive of the local TCMs, and that there are no additional RACM under each agency's jurisdiction that would advance attainment by one year or contribute to RFP in the San Joaquin Valley.

3. The EPA's Review of the State's Submission

The EPA has reviewed the RACM demonstration in the SJV 2022 Ozone Plan for stationary, area, and mobile sources of NO_X and VOC in the San Joaquin Valley, including the processes, analyses, and conclusions presented by the District, CARB, and MPOs with respect to sources under their jurisdictions, as described in the following paragraphs. We provide additional detail on many of the District's control measures for stationary and area sources in the EPA's ''Technical Support Document, EPA Evaluation of District Control Measures and Transportation Conformity Budgets for the San Joaquin Valley 70 ppb Ozone SIP,'' October 2026 (''EPA's District Rules and Motor Vehicle Emissions Budgets TSD'').

The process the District used in the SJV 2022 Ozone Plan to identify RACM is generally consistent with the EPA's recommendations in the General Preamble. The process included compiling a comprehensive list of potential control measures for sources of NO_X and VOC in the San Joaquin Valley.[60] As part of this process, the District evaluated potential controls for all relevant source categories for economic and technological feasibility and provided justifications for the rejection of certain identified measures. The District concluded in its RACM evaluation that no additional measures could advance attainment by one year.

We have reviewed the District's determination in the SJV 2022 Ozone Plan that its stationary and area source

[54] *See, e.g.,* 81 FR 39424 (June 16, 2016), 82 FR 14446 (Mar. 21, 2017), and 83 FR 8404 (Feb. 27, 2018); *see also Comm. for a Better Arvin,* 786 F.3d 1169 (9th Cir. 2015).

[55] CAA section 211(c)(4)(B) excludes the State of California from the motor vehicle fuel preemption provisions otherwise applicable to the States under CAA section 211(c)(4)(A).

[56] *See, e.g.,* the EPA's approval of standards and other requirements to control emissions from in-use heavy-duty diesel-powered trucks at 77 FR 20308 (Apr. 4, 2012), revisions to the California on-road reformulated gasoline and diesel fuel regulations at 75 FR 26653 (May 12, 2010), and revisions to the California light-duty motor vehicle I/M program at 75 FR 38023 (July 1, 2010).

[57] SJV 2022 Ozone Plan, Chapter 5, pages 5–16 through 5–19.

[58] *See, e.g.,* the EPA's approval of consumer products regulations, at 79 FR 62346 (Oct. 17, 2014) (for amendments adopted through 2013) and 85 FR 57703 (Sep. 16, 2020) (for amendments adopted through 2018), and pesticide application regulations, at 77 FR 65294 (Oct. 26, 2012) (for five ozone nonattainment areas in California, including San Joaquin Valley) and 81 FR 64350 (Sep. 20, 2016) (for San Joaquin Valley).

[59] SJV 2022 Ozone Plan, chapter 5, page 5–19.

[60] *See* SJV 2022 Ozone Plan, Appendix C.

control measures represent RACM for NO_X and VOC. In our review, we also considered our previous evaluations of the District's rules in connection with our approval of the RACM demonstration for the San Joaquin Valley for the 2008 ozone NAAQS and the approval of the demonstrations of best available control measures (BACM) and most stringent measures (MSM) for NO_X for the San Joaquin Valley for the $PM_{2.5}$ NAAQS.[61]

The District's rules providing for the implementation of RACM for the 2015 ozone NAAQS are accounted for in the plan's baseline control strategy and have been approved by the EPA into the California SIP, except for the most recent amendments to District Rules 4306/4320, 4352, 4354, 4702, and 4905.

The District's RACM evaluation refers to the most recent amendments of these rules as meeting or exceeding the RACT or RACM requirement, as applicable, and thus, we have reviewed the amended rules to determine whether their approval is necessary to meet the requirement or goes beyond the requirement. For the following reasons, we find that we do not need to approve the most recent amendments to District Rules 4306/4320, 4352, 4354, 4702, and 4905 to propose approval of the RACM demonstration for the San Joaquin Valley for the 2015 ozone NAAQS:

- All of these rules establish emission limits for NO_X, and the EPA approved the District rules as meeting the more stringent BACM requirement in 2023 based on the previous versions of the rules that are approved into the SIP; [62]
- The District's RACT demonstration for the 2015 ozone NAAQS relies on the previous version of the rules that are approved into the SIP and not the most recent amendments; [63]
- The most recent amendments of District Rules 4306/4320,[64] 4352,[65] 4354,[66] and 4702 [67] were not adopted for the purpose of meeting the RACT/RACM requirement for ozone but rather for the purpose of providing for attainment of the $PM_{2.5}$ NAAQS by the applicable attainment dates; and
- The most recent amendments to District Rule 4905 were intended to extend the implementation period for certain unit types as a response to the limited number of certified compliant units available by the compliance deadline dates,[68] which means the 2015 version of the rule that is approved into the SIP continues to meet the RACM requirement.

We recognize that emissions reductions from the most recent amendments are included in the baseline emissions estimates used for the RFP and attainment demonstrations for the 2015 ozone NAAQS. Because we cannot credit the emissions reductions from rules or amendments that we have not yet approved, we have taken the foregone emissions reductions into account in our evaluation of the future baseline emissions inventories and the associated RFP and attainment demonstrations, as described in sections II.E.3 and II.F.3 of this document. The emission reductions included under CAA section 182(e)(5) new technology provisions are 32.4 tpd NO_X in 2037, which is approximately ten times the emission reductions estimated for the most recent amendments to District Rules 4306/4320, 4352, 4354, 4702, and 4905.

Given the larger overall reductions needed to attain by 2037, the emissions reductions from the most recent amendments of the rules would serve only to reduce the reductions expected from new technology provisions rather than to advance the attainment date. Furthermore, the emissions from these rules are not necessary to meet the RFP requirements. Because the emissions reductions associated with the most recent amendments would not advance the attainment date nor are they needed to meet the RFP requirements, we do not need to approve the most recent amendments as part of the SIP to propose approval of the submitted RACM demonstration.

With respect to mobile sources and other sources under CARB's primary jurisdiction, CARB has developed and implements stringent control measures for on-road and off-road mobile sources, and its current program addresses the full range of mobile sources in the San Joaquin Valley through regulatory programs for certain aspects of both new and in-use vehicles. With respect to pesticides under DPR's jurisdiction, DPR has developed regulations to limit VOC emissions from agricultural and commercial structural pesticides, including fumigant and non-fumigant pesticides, that are applied in the San Joaquin Valley. CARB's and DPR's rules providing for the implementation of RACM for the 2015 ozone NAAQS are accounted for in the SJV 2022 Ozone Plan's baseline control strategy and have been approved into the California SIP, with several exceptions described in section II.E.3 of this document.

With respect to TCMs, the current TCMs implemented by the San Joaquin Valley MPOs, including those selected from the MPOs' 2021 review of TCMs, are reflected in each MPO's 2022 RTP and 2023 FSTIP. The 2022 RTPs and 2023 FSTIPs were adopted by the MPOs in July to September 2022 and approved by the Federal Highway Administration on December 16, 2022.[69] We find that the MPOs' process for identifying additional TCM RACM and their conclusions that the TCMs being implemented in the San Joaquin Valley (*i.e.,* the TCMs in their 2022 RTPs and 2023 FSTIPs and described in section D.3.4 and Attachment A of Appendix D of the SJV 2022 Ozone Plan) represent all TCM RACM to be reasonably justified and supported.

Based on our review of the District's RACM determination in the SJV 2022 Ozone Plan and our analysis of the several District rules where EPA action is pending on the latest rule amendments, as discussed herein, we propose to find that the District's rules provide for the implementation of RACM for stationary and area sources of NO_X and VOC in the San Joaquin Valley for the 2015 ozone NAAQS. Similarly, we find that the programs developed and administered by CARB for mobile

[61] 84 FR 3302 (Feb. 12, 2019) (EPA approval of RACM demonstration for the 2008 ozone NAAQS); 85 FR 44192 (July 22, 2020) (EPA approval of BACM/MSM demonstration for 2006 $PM_{2.5}$ NAAQS); (EPA approval of BACM/MSM demonstration upheld in *Medical Advocates for Healthy Air* v. *EPA,* 9th Cir., No. 20–72780, memorandum decision, April 13, 2022, but vacated in part on other grounds); and 88 FR 86581 (Dec. 14, 2023) (EPA approval of BACM demonstration for the 1997 annual $PM_{2.5}$ NAAQS).

[62] 88 FR 86581 (Dec. 14, 2023); *see also* Table 4–1 of the SJVUAPCD, ''Attainment Plan Revision for the 1997 Annual $PM_{2.5}$ Standard,'' August 19, 2021.

[63] SJVUAPCD, ''2020 Reasonably Available Control Technology (RACT) Demonstration for the 2015 8-Hour Ozone Standard,'' June 18, 2020 (submitted to the EPA on August 3, 2020).

[64] SJVUAPCD, Final Staff Report, ''Proposed Amendments to Rule 4306 (Boilers, Steam Generators, and Process Heaters—Phase 3), Proposed Amendments to Rule 4320 (Advanced Emission Reduction Options for Boilers, Steam Generators, and Process Heaters Greater Than 5.0 MMBtu/hr),'' December 17, 2020, page 2.

[65] SJVUAPCD, Final Draft Staff Report, ''Proposed Amendments to Rule 4352 (Solid Fuel Fired Boilers, Steam Generators, and Process Heaters),'' December 16, 2021, page 5.

[66] SJVUAPCD, Final Draft Staff Report, ''Proposed Amendments to Rule 4354 (Glass Melting Furnaces),'' December 16, 2021, page 5.

[67] SJVUAPCD, Final Staff Report, ''Proposed Amendments to Rule 4702 (Internal Combustion Engines),'' August 19, 2021, page 4.

[68] SJV 2022 Ozone Plan, Appendix C, page C–319.

[69] Letter dated December 16, 2022, from Ray Tellis, Regional Administrator, Federal Highway Administration, to James Anderson, Chief, Division of Financial Programming, California Department of Transportation, subject ''California 2023 FSTIP Approval.''

sources and consumer products, by DPR for pesticides, and by the MPOs for TCMs provide for the implementation of RACM for applicable sources of NO_X and VOC in the San Joaquin Valley for the 2015 ozone NAAQS.

Overall, based on our review of the plan's RACM demonstrations for stationary, area, and mobile sources of NO_X and VOC, we agree with the State, District, and MPOs' conclusions that there are no additional reasonably available measures that would advance attainment of the 2015 ozone NAAQS in the San Joaquin Valley by at least one year.[70] We also find that no additional reasonably available TCMs are needed to demonstrate RFP. For the foregoing reasons, we propose to find that the SJV 2022 Ozone Plan, as revised by the 2026 Extreme Ozone SIP Revision, provides for the implementation of all RACM as required by CAA section 172(c)(1) and 40 CFR 51.1312(c).

E. Attainment Demonstration

1. Statutory and Regulatory Requirements

CAA section 182(c)(2)(A) requires that a plan for an ozone nonattainment area classified ''Serious'' or above include a ''demonstration that the plan . . . will provide for attainment of the ozone [NAAQS] by the applicable attainment date. This attainment demonstration must be based on photochemical grid modeling or any other analytical method determined . . . to be at least as effective.'' The attainment demonstration predicts future ambient concentrations for comparison to the NAAQS, making use of available information on measured concentrations, meteorology, and current and projected emissions inventories of ozone precursors, including the effect of control measures in the plan.

Areas classified Extreme for the 2015 ozone NAAQS must demonstrate attainment as expeditiously as practicable, but no later than 20 years after the effective date of designation to nonattainment. The San Joaquin Valley was designated nonattainment for the 2015 ozone NAAQS, effective August 3, 2018.[71] Accordingly, the area must demonstrate attainment of the 2015 ozone NAAQS as expeditiously as practicable, but no later than August 3, 2038.[72] An attainment demonstration must show attainment of the standards by the ozone season prior to the attainment date, so in practice, Extreme nonattainment areas must demonstrate attainment no later than 2037 for the 2015 ozone NAAQS.

An attainment demonstration consists of: (1) Technical analyses, such as base year and future year modeling, to identify sources of emissions that are contributing to violations of the ozone NAAQS within the nonattainment area; (2) analyses of future year emissions reductions and air quality improvement resulting from existing (*i.e.,* already-adopted or ''on the books'') Federal, State, and local programs and potential additional State and local measures needed for attainment, including RACM and RACT for the area; (3) a list of adopted measures (including RACT) with schedules for implementation and other means and techniques necessary and appropriate for demonstrating attainment as expeditiously as practicable but no later than the outermost attainment date for the area's classification; and (4) a RACM analysis to determine whether any additional RACM measures could advance attainment by one year.[73] In this section, we address the first two components of the attainment demonstration—the technical analyses and control strategy. We addressed the latter two components in section II.D of this document.

The EPA's recommended procedures for modeling ozone as part of an attainment demonstration are contained in ''Modeling Guidance for Demonstrating Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze'' (''Modeling Guidance'').[74] The Modeling Guidance includes recommendations for a modeling protocol, model input preparation, model performance evaluation, use of model output for the numerical NAAQS attainment test, and modeling documentation. Air quality modeling is performed using meteorology and emissions from a base year, and the predicted concentrations from this base case modeling are compared to air quality monitoring data from that year to evaluate model performance.

Once the model performance is determined to be acceptable, future year emissions are simulated with the model. The relative (or percent, %) change in modeled concentration due to future emissions reductions provides a relative response factor (RRF). Each monitoring site's RRF is applied to its monitored base year design value to provide the future design value for comparison to the NAAQS. The Modeling Guidance also recommends supplemental air quality analyses, which may be used as part of a weight of evidence analysis. A weight of evidence analysis corroborates the attainment demonstration by considering evidence other than the main air quality modeling attainment test, such as trends and additional monitoring and modeling analyses. Lastly, an unmonitored area analysis is used to predict areas of high ozone concentrations where air quality monitoring data are not available. This analysis utilizes interpolated ambient data with modeled outputs to determine gradient-adjusted spatial fields. Section 4.7 of the Modeling Guidance provides guidelines for estimating design values at unmonitored grid cells.

The Modeling Guidance does not require a particular year to be used as the base year for 8-hour ozone plans.[75] The Modeling Guidance states that the most recent year of the National Emissions Inventory[76] may be appropriate for use as the base year for modeling, but that other years may be more appropriate when considering meteorology, transport patterns, exceptional events, or other factors that may vary from year to year.[77] Therefore, the base year used for the attainment demonstration need not be the same year used to meet the requirements for emissions inventories and RFP.

With respect to the list of adopted measures, CAA section 172(c)(6) requires that nonattainment area plans include enforceable emission limitations and such other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights), as well as schedules and timetables for compliance, as may

[70] We have preliminarily concluded that there are no additional RACM. Even if there were, the associated emissions reductions would not advance the attainment date; rather, they would reduce the extent to which the attainment demonstration relies on aggregate emissions reduction commitments and new technology provisions.

[71] 83 FR 25776 (June 4, 2018).

[72] 83 FR 62998 (Dec. 6, 2018).

[73] 83 FR 62998, 63003 (Dec. 6, 2018) (final 2015 Ozone SRR) and 80 FR 12264, 12268 (Mar. 6, 2015) (final rule for implementation of the 2008 ozone NAAQS). The modeling and attainment demonstration requirements under the 2015 Ozone SRR are codified at 40 CFR 51.1308.

[74] Modeling Guidance, EPA 454/R–18–009, November 2018. Additional EPA modeling guidance can be found in 40 CFR part 51, Appendix W, ''Guideline on Air Quality Models,'' 82 FR 5182 (Jan. 17, 2017). These documents are available in the docket for this rulemaking and at *https://www.epa.gov/sites/default/files/2020-10/documents/o3-pm-rh-modeling_guidance-2018.pdf* and *https://www.epa.gov/scram/clean-air-act-permit-modeling-guidance,* respectively.

[75] Modeling Guidance, section 2.7.1, page 35.

[76] The National Emissions Inventory (NEI) is an electronic database of criteria pollutant and precursor emissions data for the United States. State, local, and Tribal agencies contribute to the NEI every three years (2017, 2020, etc.). For more information about the NEI, *see: https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei.*

[77] Modeling Guidance, section 2.7.1, page 35.

be necessary or appropriate to provide for timely attainment of the NAAQS.[78] Under the 2015 Ozone SRR, all control measures needed for attainment must be implemented no later than the beginning of the attainment year ozone season.[79] The attainment year ozone season is defined as the ozone season immediately preceding a nonattainment area's maximum attainment date.[80]

In addition, with respect to ozone nonattainment areas that are classified Extreme, CAA section 182(e)(5) allows the Agency to exercise discretion in approving Extreme area attainment plans that rely, in part, on provisions that anticipate the development of new control techniques or improvement of existing control technologies (referred to herein as ''new technology'' provisions) and an attainment demonstration based on such provisions. The State must demonstrate that such provisions are not necessary to achieve the incremental emission reductions required during the first 10 years after designation as nonattainment (*i.e.,* emission reductions required through August 3, 2028, as applied to the 2015 ozone NAAQS). Given that controls must be in place throughout the applicable ozone season, and given that the ROP and RFP demonstration requirements call for emissions milestones every three years, in practical terms as applied to the 2015 ozone NAAQS, this means that the new technology provisions can be used, in part, to address emission reduction requirements in the attainment year (2037) and RFP milestone years in the second 10 years of the 20-year attainment period (2029, 2032, and 2035).

CAA section 182(e)(5) also requires the State to submit enforceable commitments with the attainment plan to develop and adopt contingency measures to be implemented if the new technology provisions fall short of the necessary reductions. Such contingency measures must be submitted to the EPA as SIP revisions no later than three years before the proposed implementation of the new technology provisions and must be adequate to achieve sufficient emission reductions, alongside other approved plan provisions, to achieve the applicable periodic emission reductions. As applied to the 2015 ozone NAAQS, the State would identify any anticipated shortfall in emission reductions and submit contingency measures to cover that shortfall by January 1, 2034, (*i.e.,* three years prior to the 2037 attainment year) or three years prior to any RFP milestone year emissions level (*e.g.,* by January 1, 2032, for the 2035 RFP milestone year).

2. Summary of the State's Submission

a. Photochemical Modeling

The SJV 2022 Ozone Plan includes photochemical modeling for the 2015 ozone NAAQS performed by CARB. The modeling relies on a 2018 base year and demonstrates attainment of the 2015 ozone NAAQS in 2037.

As a general matter, the modeling for the SJV 2022 Ozone Plan represents the most up-to-date photochemical modeling performed for the area, accounting for improved chemical gaseous and particulate mechanisms, improved computational resources and post-processing utilities, enhanced spatial and temporal allocations of the emissions inventory, and CARB's latest attainment demonstration methodology at the time of plan development. Air quality modeling included in the SJV 2022 Ozone Plan is described briefly in Chapter 5 and in detail in Appendix F (''Modeling Attainment Demonstration and Modeling Protocol''). The plan discusses its modeling emissions inventory in Attachment G (''Modeling Emissions Inventory'') and supplements the plan's modeling results with a weight of evidence analysis in Appendix H (''Weight of Evidence'').

Appendix F of the SJV 2022 Ozone Plan provides a description of model input preparation procedures, various model configuration options, and model performance statistics. The modeling protocol for the SJV 2022 Ozone Plan contains all the elements recommended in the Modeling Guidance, including: selection of model, time period to model, modeling domain, and model boundary conditions and initialization procedures; a discussion of emissions inventory development and other model input preparation procedures; model performance evaluation procedures; selection of days; and other details for calculating RRFs. Appendix F also provides the coordinates of the modeling domain.

Appendix G of the SJV 2022 Ozone Plan thoroughly describes the development of the modeling emissions inventory, including its chemical speciation, its spatial and temporal allocation, its temperature dependence, and quality assurance procedures.

The 2023 CARB Staff Report for the SJV 2022 Ozone Plan provides additional information about CAA requirements that apply to the San Joaquin Valley, including information on the attainment demonstration, CARB's aggregate emission reduction commitments with an associated schedule of control measures to be presented to the Board, and control measure commitments by the District.[81] [82] The 2026 Extreme Ozone SIP Revision revises the State's control strategy to attain the 2015 ozone NAAQS, with corresponding revisions to the SJV 2022 Ozone Plan aggregate emission reduction commitments. We describe these changes in section II.E.2.b of this document. While CARB has revised its schedule of control measures and added CAA section 182(e)(5) new technology provisions into its attainment plan, it intends to achieve the same total emission reductions accounted for in the modeled attainment demonstration of SJV 2022 Ozone Plan.[83]

The modeling analysis uses version 5.2.1 of the CMAQ photochemical model, developed by the EPA. To prepare meteorological input for CMAQ, the Weather Research and Forecasting (WRF) model version 4.2.1 from the National Center for Atmospheric Research was used. CMAQ and WRF are both recognized in the Modeling Guidance as technically sound, state-of-the-art models. The areal extent and the horizontal and vertical resolution used in these models are adequate for modeling ozone in the San Joaquin Valley.

The WRF meteorological model results and performance statistics are described in sections 3.1 (''Meteorological Model Evaluation'') of Appendix F of the SJV 2022 Ozone Plan. The District and CARB evaluated the performance of the WRF model through a series of simulations and concluded that the daily WRF simulation for 2018 performed comparably to recent WRF modeling studies of ozone formation in California. The District's conclusions are supported by hourly time series for each of the San Joaquin Valley subregions (northern, central, and southern), with performance statistics provided in Table 8 of Appendix F for

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

[79] 40 CFR 51.1308(d).

[80] 40 CFR 51.1300(g).

[81] 2023 CARB Staff Report, section IV.B.2 (''CARB Commitments''). *See also* SJV 2022 Ozone Plan, chapter 3, section 3.5.2 (''CARB Commitments for the San Joaquin Valley''), chapter 5, section 5.2 (''Modeling''), and Appendix F, section 3.2 (''Emissions'') and 3.5 (''Future Design Values''); and CARB Resolution 23–3, page 6 regarding CARB commitments in the SJV 2022 Ozone Plan.

[82] The District made certain control measure commitments in the SJV 2022 Ozone Plan to evaluate and implement enhancements to a set of stationary source controls. However, those District commitments were not included in the modeled attainment demonstration. 2023 CARB Staff Report, section IV.B.3. *See also* SJV 2022 Ozone Plan, chapter 3, section 3.3.3 regarding District commitments in the SJV 2022 Ozone Plan.

[83] 2026 Extreme Ozone SIP Revision, pages 5 through 6.

wind speed, temperature and relative humidity.

Ozone model performance and related statistics are described in the SJV 2022 Ozone Plan, Appendix F, section F.3.3 (''Air Quality Model Evaluation''), which includes tables of statistics recommended in the Modeling Guidance for ozone in the San Joaquin Valley. Model performance metrics provided in the plan include mean bias, mean error, mean fractional bias, mean fractional error, normalized mean bias, normalized mean error, root mean square error, and correlation coefficient. In addition, plots were provided in evaluating the modeling: time-series plots comparing the predictions and observations, scatter plots for comparing modeled and observed ozone concentrations, and box plots summarizing model performance statistics across different averaging times, as well as frequency distributions.

After the State accepted the model performance for the 2018 base case, the model was applied to develop RRFs for the attainment demonstration.[84] This entailed running the model with the same meteorological inputs as before, but with adjusted emissions inventories to reflect the expected changes between 2018 and the attainment year of 2037. The base year, or ''reference year'' as referred to by the District and CARB, modeling inventory was the same as the inventory for the modeling base case, except for the exclusion of some emissions events that are random or cannot be projected to the future.[85] The 2037 inventory projects the base year into the future by including the effect of economic growth and emissions control measures. To develop the RRFs for the 8-hour ozone NAAQS, only the top 10 modeled days were used, consistent with the Modeling Guidance.[86]

The Modeling Guidance addresses attainment demonstrations with ozone NAAQS based on 8-hour averages, and for the 2015 ozone NAAQS, the SJV 2022 Ozone Plan carried out the attainment test procedure consistent with the Modeling Guidance. The RRFs were calculated as the ratio of future to base year concentrations. The resulting RRFs were then applied to the reference design values at each monitoring site in the San Joaquin Valley to obtain future year 2037 design values, which are summarized in Table 15 of Appendix F of the plan. The modeled 2037 ozone design value at the Clovis monitoring site (the highest ozone concentration site in the nonattainment area) is 0.068 ppm, demonstrating attainment of the 2015 ozone NAAQS.

The SJV 2022 Ozone Plan modeling demonstration includes a weight of evidence demonstration.[87] The weight of evidence demonstration in Attachment H of the plan includes ambient ozone data and trends, meteorological influences, and precursor emissions trends and reductions to complement the regional photochemical modeling analyses. The 2023 CARB Staff Report for the SJV 2022 Ozone Plan concludes that the weight of evidence analysis supports the conclusions of the photochemical modeling.[88]

b. Control Strategy

In 2022 through 2023, the State adopted its original control strategy for demonstrating attainment of the 2015 ozone NAAQS in the San Joaquin Valley by 2037 and, in response to intervening events, revised its control strategy in 2026. The revised control strategy includes baseline control measures and aggregate emissions reduction commitments to be fulfilled through CAA section 182(e)(5) new technology provisions, as well as certain control measure commitments.[89] In the following paragraphs, we summarize the State's original control strategy from the SJV 2022 Ozone Plan and California's 2022 State SIP Strategy, the subsequent events that affected the original control strategy, and the State's revised control strategy from the 2026 Extreme Ozone SIP Revision and related submission materials.

The baseline control measures relied upon in the SJV 2022 Ozone Plan represent rules and regulations adopted through the end of 2021. See Table 2 of this document for the list of District rules relied upon as baseline measures in the SJV 2022 Ozone Plan. CARB's baseline measures include certain area source regulations, including the 2021–2022 amendments to the Consumer Products Regulations and Method 310,[90] certain on-road mobile source regulations, including the ACT Regulation, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation, Omnibus Low NO_X Program, and HD I/M Regulation, and certain off-road mobile source regulations, including the 2016 and 2021 amendments to the Small Off-Road Engine Regulations (''SORE Amendments'').

With respect to control measure commitments, through adoption of the SJV 2022 Ozone Plan, the District committed to explore and implement a variety of stationary source emission reduction opportunities to reduce VOC emissions from equipment and pipeline leaks in the oil and gas sector through enhancements to Leak Detection and Repair (LDAR) requirements or, in the case of sumps, through expansion of applicability.[91] Specifically, the District committed to explore and implement more stringent LDAR requirements or to reconsider exemptions for sumps for sources regulated under the following District rules:

- Rule 4401 (''Steam-Enhanced Crude Oil Production Well Vents'');
- Rule 4402 (''Crude Oil Production Sumps'');
- Rule 4409 (''Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities'');
- Rule 4455 (''Components at Petroleum Refineries, Gas Liquids Processing Facilities, and Chemical Plants'');

[84] EPA Region IX, ''Technical Support Document, EPA Review of Attainment Modeling in the San Joaquin Valley 2022 Ozone Plan for the 2015 Ozone NAAQS,'' October 2026, page 22. Section 4.0 of the Modeling Guidance focuses on establishing guidelines for analyzing simulated emissions reductions for a future year with the goal of meeting the NAAQS. The Modeling Guidance recommends examining relative changes in design values through RRFs instead of absolute values to reduce the effect of model biases. In short, the RRF is a relative change in concentration with respect to a change in emissions between a base and future year (*i.e.,* the ratio of future year and base year modeled concentrations) and is multiplied by the base design value obtained from monitoring data at a particular site to obtain a future year design value at that site.

[85] The terms base year and reference year can be used interchangeably. To use consistent EPA terminology, the terms ''base year'' and ''base case'' are used in this document and correspond to the District's and CARB's use of the terms ''reference year'' and ''base year,'' respectively.

[86] *See* Modeling Guidance, section 4.2.1.

[87] SJV 2022 Ozone Plan, Appendix H (''Weight of Evidence, San Joaquin Valley'').

[88] 2023 CARB Staff Report, page 15.

[89] For this plan, CARB has made several commitments in connection with the attainment demonstration. CARB has committed to achieve aggregate emissions reductions of specified amounts in the San Joaquin Valley by 2037. The aggregate emissions reduction commitment includes a subset for which CARB requests approval under the new technology provisions (*i.e.,* CAA section 182(e)(5)). To comply with the new technology provision requirements of the Act, CARB commits to submit contingency measures to cover any shortfall in the reductions expected from new technology provisions three years prior to when the reductions are needed to meet a CAA requirement—in this case, demonstrating attainment of the 2015 ozone NAAQS in 2037. As for the balance of the aggregate emissions reductions, CARB commits to an enforceable schedule to bring certain actions before the CARB Board by certain dates and to achieve a specified amount of reductions in San Joaquin Valley by 2037.

[90] The EPA proposes to approve the 2021 through 2022 Amendments to CARB's Consumer Products Regulations and Method 310 in section III of this document.

[91] SJV 2022 Ozone Plan, chapter 3, pages 3–9 and 3–10.

• Rule 4623 (''Storage of Organic Liquids''); and

• Rule 4624 (''Transfer of Organic Liquids'').

The District adopted these commitments as ''SIP-strengthening measures'' and did not include emissions reductions from them in the attainment demonstration.

For mobile and other sources under CARB's primary jurisdiction, CARB developed and adopted the 2022 State SIP Strategy as a statewide planning document to identify strategies and controls necessary to attain the 2015 ozone NAAQS for multiple nonattainment areas.[92] CARB committed to pursue new SIP control measures or otherwise address each measure identified in the 2022 State SIP Strategy and directed staff to calculate and commit to emission reductions appropriate to each 2015 ozone NAAQS nonattainment area as the State developed attainment plans for such areas.[93]

CARB's commitments for the applicable nonattainment areas consisted of two components: (1) a commitment to bring an item to the Board for defined new measures or take other specified actions within CARB's authority by specified dates; and (2) a commitment to achieve aggregate emissions reductions by specified dates.[94] While the 2022 State SIP Strategy included estimates of the emissions reductions from each of the individual new measures, CARB's overall commitment was to achieve the enforceable emissions reductions necessary from state-regulated sources to attain the NAAQS. Therefore, if a particular measure were to not achieve its expected emissions reductions, the State's overall commitment to achieve the enforceable emissions reductions would still apply.

For the SJV 2022 Ozone Plan, CARB committed to achieve certain aggregate emissions reductions of NO_X and VOC by 2037 in the San Joaquin Valley through 18 control measure commitments from the 2022 State SIP Strategy and three control measure commitments from the previous 2016 State SIP Strategy [95] that had not already been fulfilled.[96] Among the new control measure commitments from the 2022 State SIP Strategy were CARB's Advanced Clean Fleets (ACF) and In-Use Locomotive measures. The Advanced Clean Cars II measure was one of the three control measure commitments from the previous 2016 State SIP Strategy that were relied upon for the attainment demonstration in the SJV 2022 Ozone Plan.

Following the submission of the SJV 2022 Ozone Plan to the EPA, a number of intervening events occurred that affect the control strategy for the San Joaquin Valley for the 2015 ozone NAAQS. Two of these events relate to baseline measures:

• Congress' enactment of statutes disapproving the waivers previously issued by the EPA under CAA section 209(b) for certain on-road regulations, including the ACT Regulation, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation, and Omnibus Low NO_X Program; [97] and

• Partial disapproval by the EPA of the HD I/M Regulation with respect to vehicles registered out-of-state.[98]

Three of these events relate to CARB's control measure commitments:

• Congress' enactment of a statute disapproving the waiver issued by the EPA under CAA section 209(b) for the Advanced Clean Cars II Regulation; [99]

• Repeal by CARB of the In-Use Locomotive Regulation; [100] and

• Partial repeal by CARB of the ACF Regulation.[101]

Without these Congressionally disapproved CAA section 209(b) waivers, CARB cannot ''adopt or attempt to enforce'' the corresponding on-road mobile source regulations.[102] Thus, Congress' disapproval of the waivers means that the corresponding California regulations are no longer enforceable, and the attributed emissions reductions cannot be credited in the baseline emissions projections or, in the case of the Advanced Clean Cars II Regulation, towards meeting CARB's aggregate emission reductions commitments. The partial disapproval by the EPA of the HD I/M Regulation means that the emission reductions attributed to the disapproved portion of the regulation are no longer federally enforceable and thus are not creditable as part of the baseline emissions projections. CARB's repeal of the In-Use Locomotive Regulation and partial repeal of the ACF Regulation, which also never received a waiver of preemption in its original form, affect the State's control strategy commitments because they can no longer be relied upon to contribute emissions reductions towards CARB's aggregate emission reduction commitments for the San Joaquin Valley.

In light of these events, CARB developed, adopted, and submitted the 2026 Extreme Ozone SIP Revision to revise the baseline emissions projections and control strategies for the ozone nonattainment areas classified as Extreme for the 2015 ozone NAAQS, including the San Joaquin Valley. For the San Joaquin Valley, CARB revised the baseline emissions projections to account for Congress' disapprovals of the previously issued waivers for the ACT Regulation, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation, and Omnibus Low NO_X Program and the EPA's partial disapproval of the HD I/M Regulation. CARB made this revision by removing the future year emissions reductions attributed to the ACT Regulation, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation,[103] and Omnibus Low NO_X Program, as well as the HD I/M Regulation with respect to vehicles registered out-of-state.

With respect to the State's control strategy commitments, CARB revised or eliminated certain defined measures and revised the aggregate emission reduction commitment for the attainment year (2037) in two steps. In the first step (as adopted in the 2026 Extreme Ozone SIP Revision), CARB

[92] CARB, 2022 State SIP Strategy, Executive Summary.

[93] CARB Resolution 22–14, page 8 and Attachment A (''Proposed 2022 State SIP Strategy Measures and Schedule'').

[94] CARB, 2022 State SIP Strategy, pages 32 through 33.

[95] CARB, ''Revised Proposed State Strategy for the State Implementation Plan,'' March 7, 2017 (''2016 State SIP Strategy'').

[96] CARB Resolution 23–3, page 6; 2023 CARB Staff Report, section B.2 (''CARB Commitments'').

[97] Public Law 119–15, 139 Stat. 65 (2025); Public Law 119–17, 139 Stat. 67 (2025).

[98] 91 FR 5325 (February 6, 2026).

[99] *See* H.J. Res. 88, Public Law 119–16, 139 Stat. 66 (2025) (for Advanced Clean Cars II).

[100] CARB, Resolution 25–4, June 26, 2025 (repealing the In-Use Locomotive Regulation).

[101] CARB, Resolution 25–9, September 25, 2025 (amending the ACF Regulation) and CARB Executive Order R–25–9 (adopting further modified regulatory text consistent with CARB Resolution 25–9). The California Office of Administrative Law approved the ACF Regulation amendments and filed with the Secretary of State on September 10, 2026. In its action to repeal the ACF Regulation with respect to private and Federal fleets, CARB also amended the ACF Regulation requirements for State and local governments and provided flexibility to most public agency utilities. As discussed further in this document, CARB later eliminated the remaining portion of the ACF control measure commitment for the San Joaquin Valley. In addition, the EPA notes that California submitted the original ACF Regulation as a waiver request under CAA sections 209(b) and 209(e) but later withdrew the request before a waiver was granted, meaning no applicable waiver issued for the ACF Regulation.

[102] CAA section 209(a).

[103] While Congress also disapproved the previously issued waiver for the Zero-Emission Powertrain Certification Regulation, that regulation supported the implementation of other truck regulations but did not, in itself, achieve emission reductions. *See* Public Law 119–15, 139 Stat. 65 (2025). Therefore, there were no emission reductions to remove from the baseline emission reductions with respect to this regulation.

narrowed the scope of the ACF Regulation to apply only to State and local government fleets and eliminated the Advanced Clean Cars II, and In-Use Locomotive control measure commitments. In addition, CARB revised the descriptions of certain other defined measures, including those related to on-road heavy-duty trucks, commercial harbor craft, off-road vehicles and equipment, and space and water heaters.

Taking into account the modeled attainment emissions inventory and revisions to the baseline emissions projections and defined control measure commitments, CARB revised its prior emission reductions commitment that had been adopted for the SJV 2022 Ozone Plan. The revised commitment is to achieve aggregate emissions reductions of 36.9 tpd of NO_X and 4.7 tpd of VOC in the San Joaquin Valley by 2037, including a subset for which CARB requests approval under CAA section 182(e)(5) of 24.3 tpd of NO_X and 1.8 tpd of VOC, based on measures identified in the 2026 Extreme Ozone SIP Revision or the 2022 State SIP Strategy.[104]

In the second step, in adopting the 2026 Extreme Ozone SIP Revision, CARB directed the CARB Executive Officer to work with the EPA and take appropriate action to resolve any approvability issues that may arise regarding the submissions, including the action to revise the commitments that rely on CAA section 182(e)(5), and to address any deficit in the reductions needed to demonstrate attainment, RFP, or other SIP elements.[105] As duly authorized, CARB's Executive Officer eliminated further control measure commitments for the San Joaquin Valley (such as those for the remaining portion of the ACF Regulation and Commercial Harbor Craft Amendments control measure commitments) and revised the subset of the aggregate emission reduction commitment for the San Joaquin Valley for which CARB requests approval under CAA section 182(e)(5) to 31.2 tpd of NO_X and 4.0 tpd of VOC.[106] In support of the commitments to the extent they rely on CAA section 182(e)(5), CARB committed to submit contingency measures to the EPA, no later than three years before proposed implementation of the CAA section 182(e)(5) plan provisions, to be implemented if the anticipated technologies do not achieve planned reductions.[107]

Lastly, in adopting the 2026 Extreme Ozone SIP Revision, CARB included a mechanism in Resolution 26–5 to increase its aggregate emission reduction commitment if the EPA does not approve or act upon any CARB regulation currently pending before the EPA for approval into the California SIP, including as needed to meet requirements for RFP, emissions inventories, or other plan elements, prior to taking action on the 2026 Extreme Ozone SIP Revision.[108] The SORE Amendments are one such CARB regulation for which the EPA will not take final action prior to final action on the 2026 Extreme Ozone SIP Revision as it pertains to the San Joaquin Valley, and whose emission reductions are not federally enforceable (absent approval into the California SIP) and therefore not creditable as part of the future baseline emissions inventories.

CARB retained emissions reductions attributed to the SORE Amendments in the baseline emissions projections of the 2026 Extreme Ozone SIP Revision. CARB estimates that the emission reductions attributable to the SORE Amendments are approximately 1.24 tpd of NO_X and 8.93 tpd of VOC in the San Joaquin Valley in 2037.[109] Realigning the emissions reductions attributable to the SORE Amendments from the baseline projection to the aggregate emission reduction commitment, as allowed under CARB Resolution 26–5, CARB's aggregate emission reduction commitment for the San Joaquin Valley would increase to 38.1 tpd of NO_X and 13.6 tpd of VOC in the San Joaquin Valley in 2037, including a subset for which CARB requests approval under CAA section 182(e)(5) of 32.4 tpd of NO_X and 12.9 tpd of VOC, based on measures identified in the 2026 Extreme Ozone SIP Revision or the 2022 State SIP Strategy.

c. Attainment Demonstration

Table 3 of this document summarizes the State's attainment demonstration for the 2015 ozone NAAQS by 2037 in the San Joaquin Valley. For completeness, we include the 2017 base year emissions (which are required for base year emissions purposes, as described in section II.C of this document, and for RFP purposes, as described in section II.F of this document) and the 2018 base year emissions inventory (which the State used for attainment demonstration modeling, as described in section II.E.2.a of this document). Based on the modeled emissions reductions (from 2018 through 2037) necessary to demonstrate attainment, we then present the components of the State's control strategy that would achieve such reductions to demonstrate attainment.

Overall, the State's baseline control strategy, as revised by the 2026 Extreme Ozone SIP Revision and CARB Executive Order S–26–006 and accounting for the emissions reductions attributable to the SORE Amendments as part of CARB's commitments, is projected based on information submitted by the State to achieve 76 percent of the NO_X reductions (121.7 tpd/159.8 tpd) and 63 percent of the VOC reductions (23.5 tpd/37.1 tpd) necessary to attain. The State commits to achieve aggregate emission reductions for the remaining 24 percent of the NO_X reductions and 37 percent of the VOC reductions necessary to attain.

[104] CARB Resolution 26–5, page 7.

[105] *Id.,* page 8.

[106] CARB Executive Order S–26–006, September 23, 2026, page 5.

[107] CARB Resolution 26–5, page 8.

[108] *Id.*

[109] Email dated June 4, 2026, from Ariel Fideldy, Chief, Air Quality Planning Branch, CARB to Karina O'Connor, Manager, Air Planning Section, Air and Radiation Division, EPA Region IX.

Table 3. Summary of San Joaquin Valley 2015 Ozone NAAQS Attainment Demonstration, as Revised by the 2026 Extreme Ozone SIP Revision and CARB Executive Order S-26-006 (summer average inventory, tpd)

			NO_x	VOC
	A	2017 Base Year Emissions (for base year emissions and RFP requirements) [a]	232.4	325.7
Modeling [b]	B	2018 Base Year Emissions (for attainment modeling)	221.8	323.9
	C	2037 Emissions Modeled to Attain	62.0	286.8
	D	Total Emission Reductions to Attain (Row B – Row C)	159.8	37.1
Control Strategy [c]	E	2037 Emission Reductions from Baseline Control Strategy (as revised in the 2026 Extreme Ozone SIP Revision)	122.9	32.4
	F	2037 Emission Reductions from SORE Amendments (realigned to CAA section 182(e)(5) New Technology Provisions)	1.24	8.93
	G	Revised 2037 Emission Reductions from Baseline Control Strategy (Row E – Row F)	121.7	23.5
	H	2037 Emission Reductions from 2022 State SIP Strategy Control Measure Commitments (as revised in the 2026 Extreme Ozone SIP Revision)	5.7	0.7
	I	2037 Emission Reductions from CAA section 182(e)(5) New Technology Provisions (as submitted in the 2026 Extreme Ozone SIP Revision + Row F)	32.4	12.9
	J	Aggregate Emission Reductions Commitment (Rows H + I)	38.1	13.6
	K	Total Emission Reductions to Attain (Rows G + J; and Matching Row D)	159.8	37.1

[a] SJV 2022 Ozone Plan, Appendix B.
[b] SJV 2022 Ozone Plan, chapter 5, Table 5-1 and Appendix F, Table 5.
[c] 2026 Extreme Ozone SIP Revision, Tables 10, 11, and 12, and page 70; CARB Executive Order S-26-006, page 5; and email dated June 4, 2026, from Ariel Fideldy, Chief, Air Quality Planning Branch, CARB, to Karina O'Connor, Manager, Air Planning Section, Air and Radiation Division, EPA Region IX.

3. The EPA's Review of the State's Submission

a. Photochemical Modeling

As discussed in section II.C of this document, we propose to approve the base year emissions inventory and to find—with certain exceptions discussed herein—that the baseline future year emissions inventories in the SJV 2022 Ozone Plan, as revised by the 2026 Extreme Ozone SIP Revision, reflect appropriate calculation methods and that the latest planning assumptions are properly supported by SIP-approved stationary and mobile source control measures. As such, we propose to find that the use of the baseline future year emissions inventories for modeling purposes is appropriate. In the following paragraphs, we address our findings for the modeling submitted with the SJV 2022 Ozone Plan.

Based on our review of Appendix F of the SJV 2022 Ozone Plan, the EPA finds that the photochemical modeling is adequate for purposes of supporting the attainment demonstration. We present greater detail of our review of the plan's modeling and attainment demonstration in the EPA's ''Technical Support Document, EPA Review of Attainment Modeling in the San Joaquin Valley 2022 Ozone Plan for the 2015 Ozone NAAQS,'' October 2026 (''EPA's Modeling TSD''). First, we note the extensive discussion of modeling procedures, tests, and performance analyses in the Methodology section of Attachment F and the good model performance. Second, we find the WRF meteorological model results and performance statistics, including hourly time series graphs of wind speed, direction, and temperature for the San Joaquin Valley to be satisfactory and consistent with our Modeling Guidance.[110] Performance for wind speed, temperature, and relative humidity was evaluated from April to October 2018.[111] Geographically, model performance is evaluated across the northern, central, and southern San Joaquin Valley subregions. Accurate meteorological predictions in this region are important in simulating chemical transport in the San Joaquin Valley air basin. Overall, the WRF simulation provided reasonable meteorological fields comparable to other WRF modeling studies and is sufficient for the attainment demonstration.

The model performance statistics for ozone are described in Appendix F, section F.3.3 and are based on the statistical evaluation recommended in the Modeling Guidance. Model performance for 8-hour daily maximum ozone in the San Joaquin Valley was evaluated separately for the northern, central, and southern San Joaquin Valley subregions. A geographical and temporal bias is shown in the time series, which sufficiently captures the variability in the maximum daily eight-hour average ozone concentration, with a slight negative bias across the San Joaquin Valley, exhibiting some spatial variability among subregions, including

[110] Modeling Guidance, 30.

[111] Temperature, relative humidity, and wind speed were evaluated in terms of mean bias, mean error, and index of agreement.

smaller biases in the northern San Joaquin Valley and larger biases in the central and southern San Joaquin Valley in the monitor-based evaluations.

The SJV 2022 Ozone Plan presents scatter plots of monitored and modeled ozone concentrations that also suggest generally good correspondence between modeled and observed concentrations across all San Joaquin Valley subregions. This correspondence reflects the model's capability of reliably predicting the overall magnitude and variability of ozone concentrations, including the higher concentrations that contribute to the top ten days that form the basis for the RRF calculation. While some scatter and bias are present, including a tendency to overpredict at higher concentrations in certain subregions, this does not mean that future concentrations will be overestimated. In addition, the weight of evidence analysis presented in Attachment H of the SJV 2022 Ozone Plan provides additional information with respect to the sensitivity to emissions changes and further supports the model performance. We propose to find the air quality modeling adequate to support the attainment demonstration for the 2015 ozone NAAQS, based on reasonable meteorological and ozone modeling performance, and as supported by the weight of evidence analysis. For additional information regarding the EPA's analysis, please see the EPA's Modeling TSD for this proposed action.

b. Control Strategy

As part of our attainment demonstration review, we must evaluate whether the emission reductions provided by the plan and associated control measures are creditable and sufficient to provide for attainment. We have reviewed the State's submissions for demonstrating attainment of the 2015 ozone NAAQS in the San Joaquin Valley, including the SJV 2022 Ozone Plan and the 2022 State SIP Strategy, which provide the foundations for the State's attainment demonstration for the 2015 ozone NAAQS in the San Joaquin Valley (*e.g.,* baseline control strategy and emissions inventory, photochemical modeling, and the need for further NO_X and VOC emission reductions), and the 2026 Extreme Ozone SIP Revision and related submission materials, which respond to intervening events and substantially revise the State's control strategy.

We first present our evaluation of the State's baseline control strategy, including CARB's revisions to its mobile source control strategy and consideration of baseline District rule SIP submissions that are pending EPA action. We then present our evaluation of the State's aggregate emission reduction commitments, including CAA section 182(e)(5) new technology provisions and remaining control measure commitments.

i. Baseline Control Strategy

As described in section II.E.2.c of this document, the State's baseline control strategy would achieve a majority of the NO_X and VOC emission reductions necessary to attain the 2015 ozone NAAQS in the San Joaquin Valley. Further, as noted in section II.D.3 of this document, the control measures within the State's baseline control strategy have—with certain exceptions discussed in the following paragraphs—been approved into the California SIP.

First, as shown in Table 2 of this document, we have approved most of the District's control measures relied upon as baseline measures. The exceptions relate to recent amendments to five District rules. In Table 4, we list these rules, the dates on which the rules were amended and submitted for approval as part of the California SIP, and the emissions reductions attributable to each that are not currently SIP-creditable. We further discuss our evaluation of these rules in the EPA's District Rules and Motor Vehicle Emissions Budgets TSD.

TABLE 4—DISTRICT CONTROL MEASURE SIP SUBMISSIONS PENDING EPA ACTION WHOSE EMISSION REDUCTIONS ARE NOT CURRENTLY SIP-CREDITABLE FOR THE SJV 70 ppb OZONE SIP

Rule No.	Rule title	Amended	Submitted	Estimated non-SIP creditable emission reductions
4306	Boilers, Steam Generators, and Process Heaters—Phase 3.	12/17/2020	3/12/2021	0.22 tpd NO_X by 2030.[a]
4352	Solid Fuel Fired Boilers, Steam Generators, and Process Heaters.	12/16/2021	3/9/2022	2.4 tpd NO_X and 0.3 tpd VOC in 2037 (for Rules 4352, 4354, and 4702).[b]
4354	Glass Melting Furnaces	12/16/2021	3/9/2022	
4702	Internal Combustion Engines	8/19/2021	10/15/2021	
4905	Natural Gas-Fired, Fan-Type Central Furnaces.	3/21/2024	5/7/2024	0.50 tpd NO_X by 2037.[c]
				Total: approximately 3.1 tpd NO_X and 0.3 tpd VOC (*Note:* This sum mixes estimates for different years and is, therefore, imprecise.)

[a] Memorandum dated December 17, 2020, from Samir Sheikh, Executive Director, Project Coordinator: Jonathan Klassen, to SJVUAPCD Governing Board, ''RE: Item Number 13: Adopt Proposed Amendments to Rule 4306 (Boilers, Steam Generators, and Process Heaters—Phase 3) and Rule 4320 (Advanced Emission Reduction Options for Boilers, Steam Generators, and Process Heaters Greater Than 5.0 MMBtu/hr),'' page 2. The District estimates that the 2020 amendments to Rule 4320 would achieve an additional 0.45 tpd NO_X emission reductions in 2024 but has not sought SIP credit for such reductions as part of the rule or plan SIP submissions.

[b] Email dated September 18, 2026, from Ariel Fideldy, Chief, Air Quality Planning Branch, CARB, to Rory Mays, EPA Region IX. See further discussion in the EPA's District Rules and Motor Vehicle Emission Budgets TSD, pages 2 through 3.

[c] EPA's District Rules and Motor Vehicle Emission Budgets TSD, pages 3 through 5.

The EPA intends to take action on the amended District rules listed in Table 4 but does not anticipate doing so prior to final action on the SJV 70 ppb Ozone SIP. To be credited in baseline emissions projections, the amended rules must be approved as part of the SIP and thereby made federally enforceable. Because the five amended rules listed in Table 4 will likely not be approved by the time the EPA takes final action on the SJV 70 ppb Ozone SIP, we have removed approximately 3.1 tpd NO_X and 0.3 tpd VOC emission reductions that are collectively attributable to them from the baseline control strategy for the attainment demonstration.

Second, as discussed in section II.C.3 of this document, we propose to find that the revised baseline emission projections in the 2026 Extreme Ozone SIP Revision appropriately reflect Congress's enactment of statutes disapproving the waivers previously

issued by the EPA for the ACT Regulation, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation, and Omnibus Low NO_X Program and the EPA's partial disapproval of CARB's HD I/M Regulation. However, we note that the baseline emission projections reflect reductions from two additional CARB control measures that have not been approved as part of the California SIP.

The 2021 through 2022 Amendments to the Consumer Products Regulations and Method 310 are one of the control measures not yet approved as part of the California SIP, but we are proposing to approve the amendments, as described in section III of this document. If we finalize approval of the amendments as proposed, then they will become federally enforceable and creditable as part of the baseline emissions projections for the attainment demonstration.

For the other control measure not yet approved into the California SIP—the SORE Amendments—CARB included a mechanism through Resolution 26–5 to increase its aggregate emission reduction commitments if the EPA does not approve or act upon on any CARB regulation currently pending before the EPA for approval into the California SIP prior to taking action on the 2026 Extreme Ozone SIP Revision.[112] Through this mechanism, we have added the emissions reductions attributable to the SORE Amendments to CARB's aggregate emissions reduction commitments—specifically the portion of those commitments for which CARB requests approval under CAA section 182(e)(5). By re-aligning the emissions reductions attributable to the SORE Amendments from the baseline control strategy to the control strategy commitments, we propose to find that CARB has adequately accounted for the reductions necessary to demonstrate attainment. In other words, the emissions reductions previously attributed by the State to the SORE Amendments are no longer considered to be in the baseline control strategy, but to cover the associated shortfall in reductions needed to demonstrate attainment, CARB has provided a mechanism that increases its emission reduction commitments in the event that the SORE Amendments are not approved into the SIP by the time the EPA takes action on the SJV 70 ppb Ozone SIP. In this way, the SJV 70 ppb Ozone SIP adequately accounts for reductions necessary to demonstrate attainment whether or not the SORE Amendments are approved into the SIP prior to the EPA's action on the SIP submission.

ii. Control Strategy Commitments

Through adoption of the SJV 2022 Ozone Plan, the District committed to evaluate and implement LDAR enhancements or to broaden applicability for sources regulated under six District rules. The subject rules, Rules 4401, 4402, 4409, 4455, 4623, and 4624, apply to certain sources in the oil and gas sector. To date, the District has amended all six rules, and CARB has submitted all six rules for approval as part of the California SIP. The EPA has approved three of the amended rules (Rules 4401, 4409, and 4623) into the California SIP.[113]

The District adopted the amended rules as SIP-strengthening measures and did not include the associated emissions reductions in the attainment demonstration. Collectively, the District estimates that the three approved amended rules would reduce VOC emissions by approximately 0.89 tpd.[114] Because the emissions reductions from the amended District Rules 4401, 4409, and 4623 are not included in baseline emissions projections or relied upon for RFP or attainment demonstration purposes, they are available to offset shortfalls in the baseline control strategy. The District estimates that the three amended District rules that have not yet been approved would further reduce VOC emissions by approximately 0.2 tpd.[115]

The attainment demonstration of the SJV 70 ppb Ozone SIP relies on enforceable commitments by CARB to attain the 2015 ozone NAAQS in the San Joaquin Valley in 2037. As shown in Table 3 of this document, the SJV 70 ppb Ozone SIP relies on adopted measures to achieve the majority of the emissions reductions needed to attain the 2015 Ozone NAAQS by 2037. The balance of the reductions needed for attainment is in the form of enforceable commitments to take certain specific regulatory and nonregulatory actions within prescribed periods and to achieve aggregate emission reductions of NO_X and VOC in the San Joaquin Valley in 2037. The enforceable commitments made by CARB through adoption of the SJV 70 ppb Ozone SIP are similar to the enforceable commitments that the EPA has approved as part of attainment demonstrations in previous California air quality plans.[116]

The EPA has previously accepted enforceable commitments in lieu of adopted control measures in attainment demonstrations when the circumstances warrant them and when the commitments meet specific criteria. We believe that, with respect to the 2015 ozone NAAQS in the San Joaquin Valley, circumstances warrant the consideration of enforceable commitments as part of the attainment demonstration. First, as shown in Table 3 of this document, a substantial portion of the emission reductions needed to demonstrate attainment in the San Joaquin Valley come from measures adopted prior to adoption and submittal of the SJV 2022 Ozone Plan. As a result of these State and District efforts, most emissions sources in the San Joaquin Valley are currently subject to stringent emission limitations and other requirements, leaving fewer and more technologically challenging opportunities to further reduce emissions. In the 2022 State SIP Strategy, CARB identified potential control measures that could provide many of the additional emissions reductions needed for attainment. However, the timeline needed to develop, adopt, and implement these measures went beyond the required submittal date for the attainment demonstration for the San Joaquin Valley for the 2015 ozone NAAQS. These circumstances warrant CARB's reliance on enforceable commitments as part of the attainment demonstration for the 2015 ozone NAAQS.

Given the State's demonstrated need for reliance on enforceable commitments, we consider the three factors the EPA uses to determine whether the use of enforceable commitments in lieu of adopted measures to meet CAA planning requirements is approvable: (a) Does the commitment address a limited portion of the statutorily-required program; (b) is the State capable of fulfilling its

[112] CARB Resolution 26–5, page 8.

[113] 91 FR 31918 (May 29, 2026).

[114] SJVUAPCD Memo, ''Item Number 12: Adopted Proposed Amendments to District Leak Detection and Repair rules 4401, 4409, 4455, 4623, and 4624, June 15, 2023, page 4. *See* also, SJVUAPCD Final Draft Staff Report accompanying that memo: ''Proposed Amendments to Rule 4401 (Steam-Enhanced Crude Oil Production Wells), Proposed Amendments to Rule 4409 (Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities), Proposed Amendments to Rule 4455 (Components at Petroleum Refineries, Gas Liquids Processing Facilities, and Chemical Plants), Proposed Amendments to Rule 4623 (Storage of Organic Liquids), Proposed Amendments to Rule 4624 (Transfer of Organic Liquid),'' June 15, 2023.

[115] Id.

[116] *See, e.g.,* 77 FR 12652 (Mar. 1, 2012) (final approval of San Joaquin Valley plan for the 1997 ozone NAAQS); 76 FR 69896 (Nov. 9, 2011) (final approval of the San Joaquin Valley plan for the 1997 $PM_{2.5}$ NAAQS); and 79 FR 52526 (Sep. 3, 2014) (final approval of South Coast plan for the 1979 1-hour ozone NAAQS).

commitment; and (c) is the commitment for a reasonable and appropriate period of time.

For the first factor, we look to see if the commitment addresses a limited portion of a statutory requirement such as the amount of emissions reductions needed to demonstrate attainment of the NAAQS in a nonattainment area. For this calculation, reductions assigned to the CAA section 182(e)(5) new technologies provisions are not counted as commitments.[117] Table 3 of this document shows emission reductions needed to demonstrate attainment of the 2015 ozone NAAQS in the San Joaquin Valley and the aggregate emissions reductions commitment by CARB. Based on these values, we have calculated the percent of required reductions that would come from enforceable commitments by CARB (other than new technology measures).

When compared to the total reductions needed to demonstrate attainment (excluding the CAA section 182(e)(5) reductions in the attainment demonstration), the remaining portion of the enforceable commitments represents approximately four percent of the reductions needed for NO_X and two percent of the reductions needed for VOC. Historically, the EPA has approved SIPs with enforceable commitments in the range of approximately 10 percent of the total needed reductions for attainment.[118] Thus, we find that CARB's enforceable commitments in the SJV 70 ppb Ozone SIP address a limited portion of the required emission reductions.

For the second factor, we consider whether CARB is capable of fulfilling its enforceable commitments. In this instance, the enforceable emission reductions commitment is 5.7 tpd of NO_X and 0.7 tpd of VOC in the San Joaquin Valley in 2037. We propose to approve four of the defined measures that CARB is relying on to meet its commitments. Table 5 of this document lists the four defined measures and CARB estimated emissions reductions for each. We note that the emissions estimates shown in Table 5 are only estimates and are not binding on CARB under the terms of the commitments CARB has made for the 2022 State SIP Strategy, as revised by the 2026 Extreme Ozone SIP Revision. Rather, CARB has committed to take certain regulatory and nonregulatory actions according to the schedule in the 2022 State SIP Strategy or, as applicable, the 2026 Extreme Ozone SIP Revision and to achieve enforceable emission reductions in 2037. The reductions from any one measure in Table 5 could be more or less than the estimates shown.

TABLE 5—DEFINED MEASURES IN THE SJV 70 PPB OZONE SIP

Measure	Adoption	Implementation timeframe	Agency	Estimated NO_X emission reductions in 2037 (tpd)	Estimated VOC emission reductions in 2037 (tpd)
Heavy-Duty Trucks Strategy [a]	2028+	2030+	CARB	5.7	0.3
Consumer Products Standards [b]	2027	2028	CARB	.....	NYQ
Enhanced Regional Emission Analysis in SIPs [b]	2025	2023+	CARB	NYQ	NYQ
Pesticides: 1,3-Dichloropropene Health Risk Mitigation [b]	2022	2024	California Department of Pesticide Regulation	.....	0.4
Total Emission Reductions	5.7	0.7			

[a] 2026 Extreme Ozone SIP Revision, pages 14 through 15.
[b] 2022 State SIP Strategy, pages 73 through 75 (Enhanced Regional Analysis in SIPs), pages 97 through 100 (Consumer Products Standards), and pages 104 through 105 (Pesticides: 1,3-Dichloropropene Health Risk Mitigation).
Note: NYQ means not yet quantified. A double dash (--) refers to zero or de minimis reductions.

California DPR has already adopted the regulation anticipated under the defined measure to mitigate health risks associated with the use of the pesticide 1,3-Dichloropropene. CARB estimates that the adopted regulation will provide 0.4 tpd of VOC reductions in the San Joaquin Valley by 2037. We anticipate that the balance of the commitment for VOC reductions would be achieved through CARB's fulfillment of the defined measure for consumer products standards. Based on the estimates in the 2026 Extreme Ozone SIP Revision for the South Coast from future amendments to consumer products regulations and the relative populations of the San Joaquin Valley and the South Coast, we expect that the measure would achieve approximately 2.0 tpd of VOC reductions in the San Joaquin Valley by 2037.[119]

For NO_X, CARB expects to achieve the emissions reductions through actions taken under their Heavy-Duty Trucks Strategy. The proposed actions that CARB anticipates taking under the Heavy-Duty Trucks Strategy could include actions such as:[120]

- Cleaner new engine certification standards similar to the January 2023 Heavy-Duty Final Rule;[121]
- Development of new methods for reducing real-world emissions to maintain emissions reductions throughout a vehicle's lifetime;
- Turnover of in-use vehicles to cleaner technologies at the end of their useful life; and

[117] CAA section 182(e)(5) specifically allows the EPA to approve an attainment demonstration that relies on reductions from new technologies. This provision is separate from the requirement in CAA section 172(c)(6) for enforceable emission limitations under which enforceable commitments are considered. As a result, reductions attributed to the attainment demonstration to new technologies are not considered part of the State's enforceable commitments for purposes of determining the percentage of reductions needed for attainment that remain as commitments.

[118] *See, e.g.,* the EPA's approval of the following plans: San Joaquin Valley plans for the 1987 p.m.$_{10}$ NAAQS at 69 FR 30005 (May 26, 2004), and the 1979 1-hour ozone NAAQS at 75 FR 10420 (Mar. 8, 2010); Houston-Galveston plan for the 1979 1-hour ozone NAAQS at 66 FR 57160 (Nov. 14, 2001); and South Coast plans for the 1979 1-hour ozone NAAQS at 79 FR 52526 (Sep. 3, 2014) and 1997 ozone NAAQS at 77 FR 12674 (Mar. 1, 2012).

[119] CARB estimates that the future consumer products standards may achieve 8 tpd VOC emission reductions in the South Coast nonattainment area in 2037. 2026 Extreme Ozone SIP Revision, page 24. Population estimates for 2020 are 4.2 million and 16.4 million for the San Joaquin Valley and South Coast nonattainment areas, respectively.

[120] CARB Executive Order S–26–006, Attachment A. *See also,* 2026 Extreme Ozone SIP Revision, pages 14 through 15.

[121] 88 FR 4296 (Jan. 24, 2023). In the 2026 Extreme Ozone SIP Revision, CARB refers to this rule as the ''Federal Clean Trucks Plan NO_X Rule.''

• Establishing regions/zones where cleaner vehicle technologies are used.

We believe that CARB could take appropriate actions under this list but note that CARB's authority for, and the appropriateness of, any particular action would turn on the specific content of the requirements and necessitate case-by-case evaluation. In addition, while we expect these actions to achieve most if not all the emissions reductions anticipated by CARB from this measure, we also note that the enforceable commitment by CARB to achieve emissions reductions anticipates other means to meet or revise the obligation. For instance, if actual emissions decreases occur that exceed the projections reflected in the current emission inventory, CARB could submit an updated emissions inventory to the EPA as part of a SIP revision.[122] CARB indicates that the SIP revision would outline the changes that have occurred and provide appropriate tracking to demonstrate that aggregate emissions reductions sufficient for attainment are being achieved through enforceable emissions reduction measures.[123]

In this case, the 2037 NO_X motor vehicle emissions budgets in the 2026 Extreme Ozone SIP Revision for the San Joaquin Valley, for which we are proposing approval herein, are 5.4 tpd lower than the on-road motor vehicle emissions estimates relied upon to develop the attainment demonstration.[124] If the Heavy-Duty Truck Strategy does not achieve the anticipated 5.7 tpd of NO_X emissions reductions, CARB could revise its commitment through a SIP revision that incorporates the lower on-road emissions estimates reflected in the motor vehicle emissions budgets.

Thus, we believe that CARB is capable of meeting its enforceable commitments to adopt measures that will reduce emissions to the levels needed to attain the 2015 ozone NAAQS in the San Joaquin Valley by 2037.

For the third factor, we consider whether the commitment is for a reasonable and appropriate period of time. To meet the commitments to reduce emissions to the levels needed to attain the 2015 ozone NAAQS in the San Joaquin Valley, CARB has committed to pursue the measures or otherwise address each measure as described in the 2022 State SIP Strategy by the dates specified in Attachment A to CARB Resolution 22–14. With respect to the Consumer Products Standards measure, CARB has committed to bring the measure to the CARB Board by 2027 with implementation beginning in 2028. Under the 2026 Extreme Ozone SIP Revision, CARB has committed to begin bringing measures to the Board under the Heavy-Duty Trucks Strategy in 2028 with implementation beginning in 2030.[125] As noted previously, the measure related to reduced health risk associated with 1,3-Dichloropropoene pesticides has already been adopted.

We believe that the schedule to bring the measures to the CARB Board is appropriate given the technological and economic challenges associated with the measures and given the procedures under State law for development and adoption of these measures. In addition, these reductions are not needed to meet RFP milestones for the 2015 ozone NAAQS and the adoption timeframe ensures adequate time for implementation by 2037. Thus, the commitments are for a reasonable and appropriate period of time.

For ozone nonattainment areas classified as Extreme, the CAA recognizes that an attainment demonstration may need to rely to a certain extent on new or evolving technologies, given the long time period between developing the initial plan and attaining the standard, and the degree of emissions reductions needed to attain. To address these needs, CAA section 182(e)(5) authorizes the EPA to approve provisions in an Extreme area plan that ''anticipate development of new control techniques or improvement of existing control technologies'' and to approve an attainment demonstration based on such provisions if the State demonstrates that: ''(A) such provisions are not necessary to achieve the incremental emission reductions required during the first 10 years after November 15, 1990; and (B) the State has submitted enforceable commitments to develop and adopt contingency measures to be implemented . . . if the anticipated technologies do not achieve the planned reductions.'' The State must submit these contingency measures to the EPA no later than three years before the proposed implementation of these long-term measures and the contingency measures must be ''adequate to produce emission reductions sufficient, in conjunction with other approved plan provisions, to achieve the periodic emission reductions required by [CAA sections 182(b)(1) or (c)(2)] and attainment by the applicable dates.''

The General Preamble further provides that the new technology measures contemplated by CAA section 182(e)(5) may include those that anticipate future technological developments as well as those that require complex analyses, decision making, and coordination among a number of government agencies.[126] An attainment demonstration that relies on long-term new technology measures under CAA section 182(e)(5) must identify any such measures and contain a schedule outlining the steps leading to final development and adoption of the measures.[127]

CARB has demonstrated a clear need for emissions reductions from new and improved control technologies to reduce air pollution in the San Joaquin Valley. The adopted control measures and enforceable commitments, discussed above, provide the majority, but not all, of the balance of the emissions reductions needed to attain the 2015 ozone NAAQS by 2037. Through adoption of the SJV 70 ppb Ozone SIP, CARB commits to achieve aggregate emissions reductions from a combination of defined and new technology measures of 36.9 tpd of NO_X and 4.7 tpd of VOC in the San Joaquin Valley in 2037, including a subset for which CARB requests approval under the CAA section 182(e)(5) provision of 31.2 tpd of NO_X and 4.0 tpd of VOC.[128]

As discussed in this document, in adopting the 2026 Extreme Ozone SIP Revision, CARB adopted a provision under which CARB commits to achieve additional emissions reductions associated with CARB regulations that are relied upon to meet requirements for RFP, emissions inventories, or other plan elements and that have been submitted to the EPA but for which the EPA has not taken final action. CARB's SORE Amendments are one set of CARB regulations that fit in that category because they were submitted but remain pending action by the EPA. As such, consistent with CARB Resolution 26–5, we removed the emission reductions from the SORE Amendments from the future baseline emissions inventories and added them to the commitment related to the CAA section 182(e)(5) new technology provisions. In light of this realignment of emission reductions to the new technology provisions, CARB's aggregate emissions reduction commitments from the combination of defined and new technology measures is

[122] 2022 State SIP Strategy, page 33.

[123] *Id.*

[124] Compare the 2037 NO_X on-road emissions estimate in Table 14 of the 2026 Extreme Ozone SIP Revision (32.37 tpd) with the corresponding motor vehicle emissions budgets in Table 17 of the 2026 Extreme Ozone SIP Revision (27.0 tpd).

[125] 2026 Extreme Ozone SIP Revision, page 15.

[126] General Preamble, 57 FR 13498, 13524 (Apr. 16, 1992).

[127] *Id.*

[128] CARB Executive Order S–26–006, September 23, 2026, page 5.

38.1 tpd of NO_X and 13.6 tpd of VOC in the San Joaquin Valley in 2037, including a subset for which CARB requests approval under the CAA section 182(e)(5) provision of 32.4 tpd of NO_X and 12.9 tpd of VOC, accounting for the estimated emissions reductions attributable to the SORE Amendments. To be clear, we are not proposing to approve the SORE Amendments into the SIP at this time, but rather to approve the SJV 70 ppb Ozone SIP revision in light of California's enforceable commitments, which adequately account for a future with or without the SORE Amendments being approved into the SIP and detail the future steps that would be taken under both eventualities.

The EPA proposes to find that the SJV 70 ppb Ozone SIP does not rely on the new technology measure reductions until the attainment year (2037) and, thus, does not rely on them to achieve RFP milestones for the first 10 years after designation (for the 2015 ozone NAAQS). Also, we propose to find CARB's description of the new technology measures in the 2022 State SIP Strategy, as revised in the 2026 Extreme Ozone SIP Revision, to be adequate. Lastly, through CARB Resolution 26–5, CARB has committed to submit contingency measures to the EPA no later than three years before proposed implementation of the plan provisions to be implemented if the anticipated technologies do not achieve planned reductions.[129] In the case of the San Joaquin Valley, because the attainment demonstration relies on emissions reductions from new technology measures in the attainment year, CARB must submit contingency measures to cover any expected shortfall in reductions from those measures by January 1, 2034. We propose to find that CARB's commitment complies with the corresponding criterion in CAA section 182(e)(5).

c. Attainment Demonstration

To tie the EPA's evaluation together, we reiterate our conclusions with respect to the State's photochemical modeling, baseline control strategy, and aggregate emission reduction commitments (including CAA section 182(e)(5) new technology provisions and remaining control measure commitments) and describe additional emission reduction factors and modeling analysis that contribute to our review of the State's attainment demonstration for the 2015 ozone NAAQS in the San Joaquin Valley.

The EPA proposes to find that the SJV 2022 Ozone Plan's photochemical modeling is adequate to support the attainment demonstration for the 2015 ozone NAAQS in the San Joaquin Valley.

We must find that the emissions reductions that are relied on for attainment are creditable and are sufficient to provide for attainment. In section III.E.3.b of this document, we noted that we are proposing to approve four defined control measure commitments and explained how CARB's enforceable emissions reduction commitments were adequately justified and supported either by commitments to bring regulatory or nonregulatory initiatives to the CARB Board on a prescribed scheduled to meet aggregate emissions reduction commitments for 2037 or by commitments to submit contingency measures as necessary to cover any shortfall in emissions reductions anticipated to be achieved through implementation of new technology provisions.

The only reductions that are relied upon by the attainment demonstration that are not already approved as part of the SIP or supported by CARB commitments are the reductions included in the baseline from certain adopted and submitted District rule amendments for which the EPA has not taken final action. These rule amendments listed in Table 3 of this document and the emissions reductions attributable to these amendments are approximately 3.1 tpd of NO_X and 0.3 tpd of VOC in 2037.

With respect to the VOC emissions reductions, we note that District amendments to Rules 4401, 4409, and 4623 are not reflected in the baseline strategy or relied upon specifically for the attainment demonstration, and they have been approved into the SIP and provide more emissions reductions (0.9 tpd) than anticipated from the five District rule amendments for which the EPA has not taken action. Thus, there is no shortfall in the control strategy with respect to VOC emissions reductions.

With respect to the NO_X emissions reductions, the EPA intends to take action on the amended District rules listed in Table 5 but does not anticipate doing so prior to final action on the SJV 70 ppb Ozone SIP. We anticipate that the shortfall in the emissions reductions from the control strategy for NO_X will be wholly or partially eliminated by our action on the rule amendments if we finalize approval as proposed herein.

Moreover, based on our review of the photochemical modeling results, we note that the State's photochemical modeling in the SJV 2022 Ozone Plan projected that the State's control strategy would result in the highest predicted future design value in 2037 of 68.8 ppb at the Clovis monitor.[130] This level is 1.2 ppb below the 2015 ozone NAAQS level of 70 ppb (or 2.1 ppb below the level of 70.9 ppb, which would be truncated to 70 ppb per the form of the standard). Accordingly, we have analyzed the State's attainment demonstration modeling to assess what additional amount of NO_X could be emitted in 2037 while still demonstrating attainment of the 2015 ozone NAAQS. Based on a sensitivity analysis of ozone design values and NO_X emissions between 2032 and 2037 and applying a scaling factor to translate the modeled emissions inventory into the planning emissions inventory, we estimate that an additional 5.59 tpd NO_X emissions could theoretically still result in a modeled demonstration of 70 ppb in 2037 in the San Joaquin Valley (or an additional 9.78 tpd NO_X emissions for a modeled demonstration of 70.9 ppb). For further discussion of this analysis, *see* section 3.2.1 of the EPA's Modeling TSD. While we do not rely on this estimate as a precise gauge of how much NO_X emission reductions would be necessary for the San Joaquin Valley to attain the 2015 ozone NAAQS, this estimate provides another piece of evidence that some single-digit increment of additional NO_X emissions would not prevent the demonstration of attainment in 2037.

Given our review of the plan's photochemical modeling, the State's revised control strategy (including CAA section 182(e)(5) new technology provisions and remaining control measure commitments), and the many related components and evaluations presented in this document, the EPA proposes to approve the State's attainment demonstration for the 2015 ozone NAAQS in the San Joaquin Valley, as revised by the 2026 Extreme Ozone SIP Revision and CARB Executive Order S–26–006, as meeting the requirements of CAA sections 172(c)(6), 182(c)(2)(A), and 182(e)(5) and 40 CFR 51.1308.

F. Rate of Progress Plan and Reasonable Further Progress Demonstration

1. Statutory and Regulatory Requirements

Requirements for RFP for ozone nonattainment areas are specified in

[129] CARB Resolution 26–5, July 23, 2026, page 8; and CARB Executive Order S–26–006, September 23, 2026, page 5.

[130] SJV 2022 Ozone Plan, Appendix F, page F–46 and Table 15. We note that these projections excluded the anticipated emission reductions from the Federal Clean Trucks Plan.

CAA sections 172(c)(2), 182(b)(1), and 182(c)(2)(B). Under CAA section 171(1), RFP is defined as meaning such annual incremental reductions in emissions of the relevant air pollutant as are required under CAA title I, part D (''Plan Requirements for Nonattainment Areas'') or as may reasonably be required by the EPA for the purpose of ensuring attainment of the applicable NAAQS by the applicable date. CAA section 182(b)(1) specifically requires that ozone nonattainment areas classified as Moderate or above demonstrate a 15 percent reduction in VOC between the years 1990 and 1996. The EPA has typically referred to CAA section 182(b)(1) as the rate of progress (ROP) requirement.

For ozone nonattainment areas classified as Serious or higher, CAA section 182(c)(2)(B) requires VOC reductions of at least three percent of baseline emissions per year, averaged over each consecutive three-year period, beginning six years after the baseline year until the attainment date. Under CAA section 182(c)(2)(C), for nonattainment areas classified as Serious and above, a State may substitute NO_X emissions reductions for VOC emissions reductions if such reductions would result in a reduction in ozone concentrations at least equivalent to that which would result from the amount of VOC emissions reductions otherwise required. Additionally, CAA section 182(c)(2)(B)(ii) allows an amount less than three percent of such baseline emissions each year if a State demonstrates to the EPA that its plan includes all measures that can feasibly be implemented in the area in light of technological achievability.

In the 2015 Ozone SRR, the EPA provides that areas classified Moderate or higher will have met the ROP requirements of CAA section 182(b)(1) if the area has a prior, fully-approved 15 percent ROP plan.[131] For such areas, the EPA interprets the RFP requirements of CAA section 172(c)(2) to require areas classified as Moderate to provide a 15 percent emissions reduction of ozone precursors within six years of the baseline year. Areas classified as Serious or higher must meet the RFP requirements of CAA section 182(c)(2)(B) by providing an 18 percent reduction of ozone precursors in the first 6-year period and an average ozone precursor emissions reduction of three percent per year for all remaining 3-year periods thereafter.[132] The 2015 Ozone SRR allows substitution of NO_X reductions for VOC reductions to meet the CAA section 172(c)(2) and 182(c)(2)(B) RFP requirements.[133]

Except as specifically provided in CAA section 182(b)(1)(C), emissions reductions from all SIP-approved, federally promulgated, or otherwise SIP-creditable measures that occur after the baseline year are creditable for purposes of demonstrating that the RFP targets are met. Because the EPA has determined that the passage of time has caused the effect of certain exclusions to be de minimis, the RFP demonstration is no longer required to calculate and specifically exclude reductions from measures related to motor vehicle exhaust or evaporative emissions promulgated by January 1, 1990; regulations concerning Reid vapor pressure promulgated by November 15, 1990; measures to correct previous RACT requirements; and measures required to correct previous inspection and maintenance (I/M) programs.[134]

The 2015 Ozone SRR requires the RFP baseline year to be the most recent calendar year for which a complete triennial inventory was required to be submitted to the EPA.[135] For the purpose of developing RFP demonstrations for the 2015 ozone NAAQS, the applicable triennial inventory year is 2017.[136] States may use an alternative baseline emissions inventory provided that the year selected corresponds with the year of the effective date of designation as nonattainment for that NAAQS.[137]

2. Summary of the State's Submission

The SJV 2022 Ozone Plan addresses the 15 percent ROP requirement by noting that the EPA approved a 15 percent ROP plan for the 1-hour ozone NAAQS for the San Joaquin Valley in 1997 and that the 1-hour ozone nonattainment area covers the entire nonattainment area for the 2015 ozone standards.[138]

To address the RFP requirements, the SJV 2022 Ozone Plan selected 2017 as the RFP baseline year and provided emissions inventories for the RFP baseline, milestone, and attainment years.[139] The future-year emissions inventory projections generally take into account rules and regulations adopted through the end of 2021. The RFP demonstration in the SJV 2022 Ozone Plan uses NO_X substitution beginning in milestone year 2023 to meet VOC emission targets and concluded that the RFP demonstration meets the applicable requirements for each milestone year and the attainment year.

The baseline emissions projections used for the RFP demonstration in the SJV 2022 Ozone Plan were updated in the 2026 Extreme Ozone SIP Revision. The EPA has evaluated compliance with the RFP demonstration requirement in this document on the basis of the updated RFP demonstration included in the 2026 Extreme Ozone SIP Revision and the documentation provided therein as well as the relevant documentation included in the SJV 2022 Ozone Plan.

To develop the emissions inventories for remaining RFP milestone years (2023, 2026, 2029, 2032, and 2035) and the attainment year (2037), the District and CARB relied upon the same growth and control factors used in the attainment demonstration, as further described in section II.C (regarding emissions inventories) of this document. The 2026 Extreme Ozone SIP Revision revised the on-road motor vehicle portion of the baseline emissions projections included in the SJV 2022 Ozone Plan that were based on EMFAC2017 to account for developments that occurred after plan adoption, including Congress's enactment of statutes disapproving waivers previously issued by the EPA for certain CARB mobile source regulations and the EPA's partial disapproval of CARB's HD I/M regulation as it applies to out-of-state registered vehicles. The 2026 Extreme Ozone SIP Revision did not revise the baseline emissions projections prepared for the SJV 2022 Ozone Plan for the other major source categories, including stationary and area-wide sources and off-road (nonroad) vehicles and equipment.

The RFP demonstration for the San Joaquin Valley for the 2015 ozone NAAQS is shown in Table 6 of this document. The RFP demonstration is based on the RFP baseline emissions inventory and the revised baseline emissions projections for the RFP milestone years and attainment year included in the 2026 Extreme Ozone SIP Revision. CARB adjusted future baseline emissions inventories to accommodate the EMFAC2021-derived motor vehicle emissions budgets included in the 2026 Extreme Ozone SIP Revision and to account for emission reductions credits (ERCs) available under the District's new source review (NSR) permitting program for new and modified stationary sources.

[131] 83 FR 62998, 63004 (Dec. 6, 2018); 40 CFR 51.1310(a)(2).

[132] *Id.*

[133] *Id.;* 40 CFR 51.1310(a)(2)(i)(B) and 40 CFR 51.1310(a)(2)(ii)(B).

[134] 40 CFR 51.1310(a)(7).

[135] 40 CFR 51.1310(b).

[136] 83 FR 62998, 63005 (December 6, 2018).

[137] 40 CFR 51.1310(b).

[138] SJV 2022 Ozone Plan, page 6–2.

[139] SJV 2022 Ozone Plan, page 6–3.

To be conservative in the adjustment regarding the use of the EMFAC2021 model, CARB only includes increases in emissions associated with the EMFAC2021-derived budgets as compared with the motor vehicle emissions estimates prepared for the baseline emissions projections (and based on EMFAC2017 as amended to exclude emissions reductions from regulations for which waivers have been disapproved or for which the EPA has issued a partial disapproval).[140] CARB did not include emissions decreases associated with the EMFAC2021-derived budgets in the RFP demonstration.

In addition to the EMFAC2021 adjustment, the RFP demonstration takes into account ERCs banked prior to 2017 (*i.e.,* the RFP baseline year) to the extent that the expected ERC use exceeds the assumed level of growth in emissions by the subject sources that is included in the baseline emissions projections.[141] Under the EPA's SIP regulations for nonattainment NSR programs, a State may allow new major stationary sources or major modifications to use ERCs that were generated through shutdown or curtailed emissions units occurring before the base year of an attainment plan. However, to use such ERCs, the projected emissions inventory used to develop the attainment demonstration must explicitly include the emissions from such previously shutdown or curtailed emissions units.[142] The District has elected to provide for use of pre-base year ERCs as offsets by explicitly including such ERCs in the 2037 attainment year inventory.[143] The ERC set-aside in the attainment year (2037) is 2.43 tpd of NO_X.[144] The ERC adjustment is only needed for NO_X, not VOC. For the purposes of the RFP demonstration, the 2026 Extreme Ozone SIP Revision accounts for the ERC set-aside in each RFP milestone year as well as the attainment year.

TABLE 6—RFP DEMONSTRATION FOR SAN JOAQUIN VALLEY FOR THE 2015 OZONE NAAQS

[Summer planning inventory, tpd or percentage]

	VOC						
	2017	2023	2026	2029	2032	2035	2037
Baseline VOC Emissions (tpd)	325.68	305.81	296.78	292.02	290.21	290.13	291.11
EMFAC2021 Adjustment (tpd)	.....	.....	0.61	0.0	0.0	0.10	0.22
Adjusted Baseline VOC Emissions (tpd)	325.68	305.81	297.39	292.02	290.21	290.23	291.33
Required Change since 2017 (percentage)	.....	18.0%	27.0%	36.0%	45.0%	54.0%	60.0%
Target VOC Level (tpd)	.....	267.06	237.75	208.44	179.12	149.81	130.27
Shortfall (−)/Surplus (+) in VOC (tpd)	.....	−38.75	−59.64	−83.58	−111.09	−140.42	−161.05
Shortfall (−)/Surplus (+) in VOC (percentage)	.....	−12%	−18%	−26%	−34%	−43%	−49%
	NO_X						
	2017	2023	2026	2029	2032	2035	2037
Baseline NO_x Emissions (tpd)	232.39	158.43	132.00	119.56	109.80	103.10	98.80
Emissions Reduction Credits (tpd)	.....	2.43	2.43	2.43	2.43	2.43	2.43
EMFAC2021 Adjustment (tpd)	.....	.....	0.0	0.0	0.0	0.0	0.0
Adjusted Baseline NO_X Emissions (tpd)	232.39	160.86	134.43	121.99	112.23	105.53	101.23
Reduction in NO_X since 2017 (tpd)	.....	71.53	97.96	110.40	120.16	126.86	131.16
Reduction in NO_X since 2017 (percentage)	.....	31%	42%	48%	52%	55%	56%
NO_X reductions since 2017 used for VOC substitution in this milestone year (percentage)	.....	12%	18%	26%	34%	43%	49%
NO_X reductions since 2017 surplus after meeting VOC substitution needs in this milestone year (percentage)	.....	19%	24%	22%	18%	12%	7%
RFP shortfall (−) (percentage)	.....	0%	0%	0%	0%	0%	0%
RFP met?	.....	Yes	Yes	Yes	Yes	Yes	Yes

Source: 2026 Extreme Ozone SIP Revision, Table 15.

The RFP demonstration calculates future year VOC targets from the 2017 baseline, consistent with CAA section 182(c)(2)(B)(i), which requires reductions of ''at least 3 percent of baseline emissions each year,'' and it substitutes NO_X reductions for VOC reductions beginning in milestone year 2023 to meet VOC emission targets.[145] CARB concludes, based on the calculations and explanation provided in the 2026 Extreme Ozone SIP Revision, that the 2026 Extreme Ozone SIP Revision demonstrates RFP for each milestone year as well as for the attainment year in the San Joaquin Valley for the 2015 ozone NAAQS.

3. The EPA's Review of the State's Submission

We have reviewed the SJV 2022 Ozone Plan and agree that the EPA has approved a 15 percent ROP demonstration for the 1-hour ozone NAAQS, fulfilling the requirements of CAA section 182(b)(1).[146] for the San Joaquin Valley and that, as a result, there is no need to demonstrate another 15 percent reduction in VOC for this area.

The RFP demonstration in the 2026 Extreme Ozone SIP Revision derives from the same emissions inventories presented in section II.C of this document. In section II.C of this document, we propose to approve the revised 2017 base year emissions inventories for the 2015 ozone NAAQS. With respect to the baseline future year

[140] 2026 Extreme Ozone SIP Revision, pages 40 through 41.

[141] SJV 2022 Ozone Plan, Appendix I (''New Source Review and Emission Reduction Credits''), page I–3.

[142] 40 CFR 51.165(a)(3)(ii)(C)(1).

[143] 2022 Ozone Plan, Appendix F, page F–14 and Appendix G, page G–35.

[144] 2022 Ozone Plan, Appendix I, page I–3.

[145] NO_X substitution is permitted under EPA regulations for the 2015 ozone NAAQS for specific types of areas in specific situations. *See* 40 CFR 51.1310(a)(2)(i)(B) and 40 CFR 51.1310(a)(2)(ii)(B); and 83 FR 62998, 63004 (Dec. 6, 2018).

[146] *See* 62 FR 1150, 1183 (Jan. 8, 1997).

emissions inventories, as further explained in section II.C of this document, we have reviewed the growth and control factors and find them acceptable and conclude that the future baseline emissions inventories in the SJV 2022 Ozone Plan reflect appropriate calculation methods and the latest planning assumptions and appropriately account for the pre-baseline ERCs.

Under the CAA and the EPA's implementing regulations for the 2015 ozone NAAQS, with certain exceptions not relevant here, all emission reductions from SIP-approved or federally promulgated measures that occur after the baseline emissions inventory year are creditable for purposes of the RFP requirements, provided the reductions meet the requirements for creditability, including the need to be enforceable, permanent, quantifiable, and surplus.[147]

With respect to the RFP demonstration in the 2026 Extreme Ozone SIP Revision, we note that the future baseline emissions inventories take into account emissions reductions from State and local air pollution control rules and regulations adopted by the end of 2021. We have reviewed the District's VOC and NO_X rules that are accounted for in the future baseline emissions inventories and used to demonstrate RFP and have concluded that emissions reductions from stationary source controls accounted for the 2026 Extreme Ozone SIP Revision are supported by rules approved as part of the SIP, with the exception of amendments to District Rules 4306, 4352, 4354, 4702 and 4905.[148]

With respect to mobile sources, the EPA has taken action to approve most CARB mobile source regulations that are accounted for in the baseline future year emissions inventories into the California SIP but has not taken action on submissions of certain CARB regulations for which emissions reductions are also included in the baseline future year emissions inventories in the 2026 Extreme Ozone SIP Revision. These regulations include the SORE Amendments.

The EPA expects to take action on the submissions of the District rules listed in Table 4 of this document but may not do so by the time the EPA takes final action on the RFP demonstration for the San Joaquin Valley for the 2015 ozone NAAQS. Because of the timing uncertainty for EPA action on the District rules, we have excluded the associated emissions reductions from the baseline future year emissions inventories included in the 2026 Extreme Ozone SIP Revision for the purposes of our evaluation of the RFP demonstration.

With respect to the SORE Amendments, the EPA will not take final action prior to final action on the SJV 70 ppb Ozone SIP; thus, we are taking the same conservative approach by excluding the emissions reductions associated with the SORE Amendments as part of our evaluation of the RFP demonstration. We have accounted for the exclusion of the emissions reductions associated with District Rules 4306, 4352, 4354, 4702, and 4905, and the SORE Amendments by including adjustments to the baseline future year emissions inventories from the 2026 Extreme Ozone SIP Revision. The specific adjustments that we have made to the baseline future year emissions inventories to account for adopted rules and regulations that are not yet approved as part of the California SIP are listed in Table 7.

TABLE 7—EPA ADJUSTMENTS TO THE BASELINE FUTURE YEAR EMISSIONS INVENTORIES FOR THE RFP DEMONSTRATION FOR SAN JOAQUIN VALLEY FOR THE 2015 OZONE NAAQS

[Summer planning inventory, tpd]

Emission reductions associated with the following baseline control measures (tpd)	VOC						
	2017	2023	2026	2029	2032	2035	2037
District Rules 4306, 4352, 4354, 4702, and 4905[a]	.....	.....	0.30	0.29	0.32	0.32	0.3
SORE Amendments[b]	.....	.....	2.22	4.91	6.81	8.18	8.93
Total VOC Adjustment	.....	.....	2.52	5.20	7.13	8.50	9.2
	NO_X						
	2017	2023	2026	2029	2032	2035	2037
District Rules 4306, 4352, 4354, 4702, and 4905[a]	.....	0.50	2.64	2.63	3.80	3.80	3.1
SORE Amendments[b]	.....	.....	0.27	0.61	0.91	1.13	1.24
Total NO_X Adjustment	.....	0.50	2.91	3.24	4.71	4.93	4.4

[a] *See* the EPA's discussion of District Rules 4306, 4352, 4354, 4702, and 4905 in the EPA's District Rules and Motor Vehicle Emission Budgets TSD. *Note:* Among these rules, the District estimated VOC emission reductions only from Rule 4702.

[b] CARB provided the emissions reductions estimates attributable to the amendments to the SORE regulation in an email dated June 4, 2026, from Ariel Fideldy, Chief, Air Quality Planning Branch, CARB, to Karina O'Connor, Manager, Air Planning Section, Air and Radiation Division, EPA Region IX.

In addition, we have reviewed the calculations in the 2026 Extreme Ozone SIP Revision used to demonstrate RFP for the San Joaquin Valley and find that CARB used an appropriate calculation method to demonstrate RFP. In Table 8 of this document, we recreate CARB's RFP demonstration (presented in Table 6 of this document), using the adjustments discussed herein for District rules and CARB regulations relied upon by CARB to demonstrate RFP but not yet approved by the EPA. As shown in Table 8, the San Joaquin Valley continues to meet the RFP requirement in all milestone years and the attainment year, notwithstanding the EPA's adjustments, because the creditable emissions reductions provide for an 18 percent reduction of ozone precursors in the first 6-year period and an average ozone precursor emissions reduction of three percent per year for all remaining 3-year periods thereafter.

[147] CAA section 182(b)(1)(C) and 40 CFR 51.1310(a)(5).

[148] *See* EPA's District Rules and Motor Vehicle Emission Budgets TSD.

TABLE 8—RFP DEMONSTRATION FOR SAN JOAQUIN VALLEY FOR THE 2015 OZONE NAAQS

[With EPA adjustments] [Summer planning inventory, tpd or percentage]

	VOC						
	2017	2023	2026	2029	2032	2035	2037
Baseline VOC Emissions (tpd)	325.68	305.81	296.78	292.02	290.21	290.13	291.11
EPA Baseline Measure Adjustments (tpd)	.....	.....	2.52	5.20	7.13	8.50	9.2
EMFAC2021 Adjustment (tpd)	.....	.....	0.61	0.0	0.0	0.10	0.22
Adjusted Baseline VOC Emissions (tpd)	325.68	305.81	299.91	297.22	297.34	298.73	300.6
Required Change since 2017 (percentage)	.....	18.0%	27.0%	36.0%	45.0%	54.0%	60.0%
Target VOC Level (tpd)	.....	267.06	237.75	208.44	179.12	149.81	130.3
Shortfall (−)/Surplus (+) in VOC (tpd)	.....	−38.75	−62.16	−88.78	−118.22	−148.92	−170.3
Shortfall (−)/Surplus (+) in VOC (percentage)	.....	−12%	−19%	−27%	−36%	−46%	−52%
	NO_X						
	2017	2023	2026	2029	2032	2035	2037
Baseline NO_x Emissions (tpd)	232.39	158.43	132.00	119.56	109.80	103.10	98.80
EPA Baseline Measure Adjustments (tpd)	.....	0.50	2.91	3.24	4.71	4.93	4.4
Emissions Reduction Credits (tpd)	.....	2.43	2.43	2.43	2.43	2.43	2.43
EMFAC2021 Adjustment (tpd)	.....	.....	0.0	0.0	0.0	0.0	0.0
Adjusted Baseline NO_X Emissions (tpd)	232.39	161.36	137.34	125.23	116.94	110.46	105.6
Reduction in NO_X since 2017 (tpd)	.....	71.03	95.05	107.16	115.45	121.93	126.8
Reduction in NO_X since 2017 (percentage)	.....	31%	41%	46%	50%	52%	55%
NO_X reductions since 2017 used for VOC substitution in this milestone year (percentage)	.....	12%	19%	27%	36%	46%	52%
NO_X reductions since 2017 surplus after meeting VOC substitution needs in this milestone year (percentage)	.....	19%	22%	19%	13%	7%	2%
RFP shortfall (−) (percentage)	.....	0%	0%	0%	0%	0%	0%
RFP met?	.....	Yes	Yes	Yes	Yes	Yes	Yes

Source: Table 6 of this document, as adjusted by the EPA to reflect baseline measure adjustments, as specified in Table 7 of this document. Numbers may not add up due to rounding. In this instance, the baseline measure adjustments relate to emissions reductions attributable to the SORE Amendments and District amendments to Rules 4306, 4352, 4354, 4702, and 4905.

Under CAA section 182(c)(2)(B), the RFP demonstration for a Serious ozone nonattainment area will demonstrate RFP based solely on the prescribed annual rate of VOC emission reductions. Alternatively, under CAA section 182(c)(2)(C), the demonstration may satisfy the RFP requirement based on a combination of VOC and NO_X reductions if it demonstrates that reductions of VOC and NO_X would result in a reduction in ozone concentrations at least equivalent to that which would result from the amount of VOC emission reductions otherwise required. For the San Joaquin Valley, the RFP demonstration for all the milestone years and the attainment year rely on a combination of VOC reductions and NO_X reductions from the RFP baseline year of 2017.

The RFP demonstration from the 2026 Extreme Ozone SIP Revision relies on substitution of NO_X emissions reductions for otherwise required VOC emissions reductions on a percentage basis. Thus, for example, a 12 percent reduction of NO_X emissions reductions from RFP baseline year NO_X reductions is used to substitute for a shortfall in VOC emissions reductions equal to 12 percent of RFP baseline year VOC emissions. In terms of tons per day, a 12 percent reduction of NO_X emission reductions equals 12 percent of the RFP baseline NO_X emissions, which in this instance is 12 percent of 232.39 tpd, or 27.9 tpd. A shortfall of 12 percent of VOC emissions reductions refers to 12 percent of RFP baseline VOC emissions, or in this case 12 percent of 325.68 tpd, or 39.1 tpd. Thus, under this example, NO_X emissions reductions of 27.9 tpd substitute for a shortfall of VOC emissions reductions of 39.1 tpd, a ratio of approximately 0.7:1.

The ratio of 0.7:1 for substitution of NO_X for VOC is based on the ratio of NO_X emissions in the RFP baseline year to VOC emissions in the RFP baseline year, and thus it applies to all RFP milestone years and the attainment year that rely on NO_X substitution to demonstrate RFP for the San Joaquin Valley for the 2015 ozone NAAQS. Reliance on a 0.7:1 ratio for substitution of NO_X for VOC for RFP purposes assumes that NO_X emissions reductions are roughly 1.4 times (*i.e.,* the inverse of the 0.7:1 ratio) more effective at reducing ozone concentration than VOC emissions reductions. This substitution of NO_X reductions for VOC reductions is acceptable under CAA section 182(c)(2)(C) so long as the ozone concentration reductions from 2017 to each milestone year and the attainment year in the San Joaquin Valley under the combined VOC/NO_X emissions reduction scenario are at least equivalent to that which would result under the VOC-only reduction scenario. In other words, the substitution is acceptable so long as NO_X emissions reductions are at least 1.4 times more effective at reducing ozone concentrations than VOC emissions reductions.

CARB and the District provided support for substituting NO_X reductions for VOC reductions in the San Joaquin Valley in section 3.6 of Appendix F of the SJV 2022 Ozone Plan.[149] CARB and the District present a comparison of design value modeling results for two emissions reduction scenarios at each of the ambient ozone monitoring sites in the San Joaquin Valley. Under one scenario, VOC emissions within the San Joaquin Valley were reduced by 60 percent (three percent for each of the 20 years between the RFP baseline year (2017) and the attainment year (2037)) from emissions in the RFP baseline year. The other scenario is similar to the first except that NO_X emissions were

[149] SJV 2022 Ozone Plan, Appendix F, section 3.6 (''NO_X/VOC Sensitivity Analysis for Reasonable Further Progress (RFP)'').

reduced by 60 percent rather than VOC emissions.

The analysis provided by CARB and the District shows that, at all the ambient ozone monitoring sites in the San Joaquin Valley, the ratios of the ozone design value change relative to the NO_X emissions change are greater than those of the VOC emissions change. Further, CARB and the District found that, based on the modeling results, at sites with the highest 2018 ozone design values, the rate of change in ozone concentrations relative to NO_X emissions changes is roughly an order of magnitude larger than the corresponding change in ozone concentrations associated with VOC emissions reductions. Based on these results, CARB and the District concluded that, because the ozone improvement from NO_X reductions is greater than that for VOC reductions, the use of NO_X substitution will result in improved ozone air quality.[150]

We have reviewed the equivalence demonstration provided by CARB and the District in Appendix F of the SJV 2022 Ozone Plan. We find that it adequately demonstrates through the sensitivity analyses that the reductions of VOC and NO_X in the San Joaquin Valley from 2017 through the attainment year would result in a reduction in ozone concentrations at least equivalent to that which would result from the amount of VOC emission reductions otherwise required. The sensitivity analyses support this conclusion by showing that NO_X emissions reductions are greater than 1.4 times more effective (and perhaps as high as 10 times more effective) at reducing ozone concentrations as compared to VOC emissions reductions. As such, we find that the reliance on NO_X substitution for RFP demonstration purposes for the San Joaquin Valley in the 2026 Extreme Ozone SIP Revision to be consistent with the requirements of CAA section 182(c)(2)(C).[151]

For these reasons, we have preliminarily determined that the 2026 Extreme Ozone SIP Revision demonstrates RFP in each milestone year, as well as in the attainment year, for the San Joaquin Valley consistent with applicable CAA requirements and EPA regulations. We therefore propose to approve the RFP demonstration for the San Joaquin Valley for the 2015 ozone NAAQS under CAA sections 172(c)(2), 182(b)(1), and 182(c)(2)(B); 40 CFR 51.1310(a)(2); and 40 CFR 51.1310(a)(2)(ii).

G. Motor Vehicle Emissions Budgets for Transportation Conformity

1. Statutory and Regulatory Requirements

Transportation conformity is required under CAA section 176(c) to ensure that federally funded or approved highway and transit activities conform to the purpose of the SIP. This requires Federal actions in nonattainment and maintenance areas to conform to the SIP's goals of eliminating or reducing the severity and number of violations of the NAAQS and achieving timely attainment of the standards. Conformity to the SIP's goals means that such actions will not: (1) cause or contribute to violations of a NAAQS; (2) worsen the severity of an existing violation; or (3) delay timely attainment of any NAAQS or any interim milestone.

Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the EPA's transportation conformity rule, codified at 40 CFR part 93, subpart A. Under this rule, metropolitan planning organizations in nonattainment and maintenance areas coordinate with State and local air quality and transportation agencies, the EPA, the FHWA, and the FTA to demonstrate that an area's regional transportation plans and transportation improvement programs conform to the applicable SIP. This demonstration is typically done by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the motor vehicle emissions budgets (''budgets'') contained in all control strategy SIPs. Budgets are generally established for specific years and specific pollutants or precursors. Ozone plans should identify motor vehicle emissions budgets for on-road emissions of ozone precursors (NO_X and VOC) in the area for each RFP milestone year and, if the plan demonstrates attainment, the attainment year.[152]

For budgets to be approvable, they must meet, at a minimum, the EPA's adequacy criteria at 40 CFR 93.118(e)(4). To meet these requirements, the budgets must be consistent with the attainment and RFP requirements and reflect all motor vehicle control measures contained in the attainment and RFP demonstrations.[153]

The EPA's process for determining adequacy of a budget consists of three basic steps: (1) providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the budgets during a public comment period; and (3) making a finding of adequacy or inadequacy.[154]

2. Summary of the State's Submission

The SJV 2022 Ozone Plan includes sub-regional (*i.e.,* county-based) budgets for VOC and NO_X for the 2023, 2026, 2029, 2032, and 2035 RFP milestone years and the 2037 attainment year.[155] The budgets in the SJV 2022 Ozone Plan were developed using the EMFAC2017 emissions model, which was the latest EPA-approved version of the model available at the time of plan development.[156] Since the SJV 2022 Ozone Plan was adopted, the EPA has approved CARB's latest version of the EMFAC model, EMFAC2021 with the use of the November 21, 2025 and May 6, 2026 off-model adjustment factors.[157] The EPA approved EMFAC2021 off-model adjustment factors that remove the estimated emissions reductions attributed to California's ACT Regulation, Heavy-Duty Warranty Phase 1, Zero-Emission Airport Shuttle Regulation, and Omnibus Low NO_X Program from EMFAC2021.[158] The EPA also approved off-model adjustment factors that incorporate emissions reductions from implementation of CARB's HD I/M Regulation, as partially

[150] *Id.,* page F–51.

[151] We note that our finding in this regard is consistent with the findings we made in connection with our approvals of the RFP demonstrations for the San Joaquin Valley for the 1997 and 2008 ozone NAAQS. *See* 76 FR 57846, 57861 through 57862 (Sep. 16, 2011) (proposed approval of RFP demonstration for the San Joaquin Valley for the 1997 ozone NAAQS) and 77 FR 12652 (Mar. 1, 2012) (final approval of RFP demonstration for the San Joaquin Valley for the 1997 ozone NAAQS); and 83 FR 61346, 61353 through 61354 (Nov. 29, 2018) (proposed approval of RFP demonstration for the San Joaquin Valley for the 2008 ozone NAAQS) and 84 FR 11198 (Mar. 25, 2019) (final approval of RFP demonstration for the San Joaquin Valley for the 2008 ozone NAAQS).

[152] 40 CFR 93.102(b)(2)(i).

[153] 40 CFR 93.118(e)(4)(iii), (iv) and (v). For more information on the transportation conformity requirements and applicable policies on motor vehicle emissions budgets, please visit our transportation conformity website at: *https://www.epa.gov/state-and-local-transportation.*

[154] 40 CFR 93.118.

[155] SJV 2022 Ozone Plan, Appendix D, page D–34.

[156] The EPA approved the use of EMFAC2017 for use in SIP development and transportation conformity in California at 84 FR 41717 (Aug. 15, 2019).

[157] The EPA approved the use of EMFAC2021 for use in SIP development and transportation conformity in California at 87 FR 68483 (Nov. 15, 2022).

[158] Letter dated November 21, 2025, from Anita Lee, Acting Director, Air and Radiation Division, EPA Region IX, to Edie Chang, Deputy Executive Officer, CARB.

approved by the EPA with respect to vehicles registered in-state.[159] [160]

In light of the availability of the updated version of EMFAC with the use of the off-model adjustment factors, CARB revised the budgets from the SJV 2022 Ozone Plan and submitted the updated budgets in the 2026 Extreme Ozone SIP Revision. The 2026 Extreme Ozone SIP Revision includes sub-regional (*i.e.,* county-based) budgets, as well as regional (whole nonattainment area) budgets, for VOC and NO_X for the 2026, 2029, 2032, and 2035 RFP milestone years and the 2037 attainment year in the San Joaquin Valley. In adopting the 2026 Extreme Ozone SIP Revision on July 23, 2026, CARB adopted the regional budgets for the 2015 ozone NAAQS for the San Joaquin Valley.[161] CARB did not update the 2023 RFP milestone budgets because, given the passage of time, they will not be used for future transportation conformity determinations. The budgets from the 2026 Extreme Ozone SIP Revision for San Joaquin Valley replace the corresponding budgets contained in the SJV 2022 Ozone Plan.

In addition to reflecting the updated EMFAC model (EMFAC2021), the budgets in the 2026 Extreme Ozone SIP Revision were calculated using updated vehicle activity data. In the case of San Joaquin Valley, the budgets reflected updated VMT and speed activity data from the 2025 FSTIP.[162] All of the budgets represent average summer weekday emissions and are rounded up to the nearest tpd for emissions greater than 20 tpd and to the nearest tenth for emissions lower than 20 tpd. The regional conformity budgets for VOC and NO_X for the nonattainment area are provided in Table 9 of this document.

TABLE 9—REGIONAL MOTOR VEHICLE EMISSIONS BUDGETS IN THE 2026 EXTREME OZONE SIP REVISION FOR SAN JOAQUIN VALLEY FOR THE 2015 OZONE NAAQS

[average summer day, tpd]

2026		2029		2032		2035		2037	
VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X
19.1	34.0	16.8	30.0	14.9	27.0	14.0	27.0	13.4	27.0

Source: 2026 Extreme Ozone SIP Revision, Table 17. CARB's rounding convention for these budgets is to round up to the nearest tpd for emissions greater than 20 tpd and to the nearest tenth for emissions lower than 20 tpd. *See* footnote ''d'' to Table 17 of the 2026 Extreme Ozone SIP Revision.

3. The EPA's Review of the State's Submission

We have evaluated the submitted budgets in the 2026 Extreme Ozone SIP Revision against our adequacy criteria in 40 CFR 93.118(e)(4) as part of our review of the budgets' approvability (*see* section II in the EPA's District Rules and Motor Vehicle Emissions Budgets TSD) and will complete the adequacy review concurrent with our final action on the SJV 70 ppb Ozone SIP. The EPA is not required under its transportation conformity rule to find budgets adequate prior to proposing approval of them.[163]

The 2026 Extreme Ozone SIP Revision revises the RFP demonstration in the SJV 2022 Ozone Plan using the updated budgets, and we evaluated the revised RFP demonstration as discussed in section II.F of this document. The 2026 Extreme Ozone SIP Revision does not revise the attainment demonstration in the SJV 2022 Ozone Plan using the updated budgets. However, CARB provided a technical assessment of the consistency of the updated budgets with the attainment demonstration in the SJV 2022 Ozone Plan.[164] This assessment shows that the updated budgets, when considered together with all other emission sources, are consistent with applicable requirements for attainment. We further discuss the EPA's review of the revised regional budgets and their consistency with the plan's RFP and attainment demonstrations in section II of the EPA's District Rules and Motor Vehicle Emissions Budgets TSD.

For the reasons discussed in sections II.E and II.F of this document, respectively, we propose to approve the attainment and RFP demonstrations for the San Joaquin Valley for the 2015 ozone NAAQS. The updated motor vehicle emissions budgets for the San Joaquin Valley in the 2026 Extreme Ozone SIP Revision, as presented in Table 9 of this document, are consistent with these demonstrations, are clearly identified and precisely quantified, and meet all other applicable statutory and regulatory requirements, including the adequacy criteria in 40 CFR 93.118(e)(4) and (5). This document initiates the adequacy process for the budgets included in this SIP submission and begins the public comment period. Comments must be submitted by the close of the comment period on the proposed rule. If we finalize our adequacy determination and approval of the budgets for the 2015 ozone NAAQS in the 2026 Extreme Ozone SIP Revision, as proposed, the MPOs in the San Joaquin Valley and the U.S. Department of Transportation would be required to use these budgets for future transportation conformity determinations.

Under our transportation conformity rule, as a general matter, once budgets are approved, they cannot be superseded by revised budgets submitted for the same CAA purpose and the same period of years addressed by the previously approved SIP until the EPA approves the revised budgets as a SIP revision. In other words, as a general matter, such approved budgets cannot be superseded by revised budgets found adequate, but rather only through approval of the revised budgets, unless the EPA specifies otherwise in its approval of a SIP by limiting the duration of the approval to last only until subsequently submitted budgets are found adequate.[165]

[159] The EPA partially approved and partially disapproved the submission of the HD I/M Regulation as a revision to the California SIP at 91 FR 5325 (Feb. 6, 2026). The EPA partially disapproved the submission with respect to vehicles registered out-of-state and out-of-country (''out-of-state vehicles'').

[160] Letter dated May 6, 2026, from Anita Lee, Acting Director, Air and Radiation Division, EPA Region IX, to Matt Lakin, Division Chief, Air Quality Planning and Science Division, CARB.

[161] CARB Resolution 26–5, pages 7 through 8.

[162] California Department of Transportation, ''2025 FSTIP—Federal Statewide Transportation Improvement Program, Federal Fiscal Years 2025–2028,'' 2024.

[163] Under the Transportation Conformity regulations, the EPA may review the adequacy of submitted budgets simultaneously with the EPA's approval or disapproval of the submitted implementation plan. 40 CFR 93.118(f)(2).

[164] 2026 Extreme Ozone SIP Revision, pages 49 through 50.

[165] 40 CFR 93.118(e)(1).

In this instance, CARB has requested that we limit the duration of our approval of the budgets in the 2026 Extreme Ozone SIP Revision only until the effective date of the EPA's adequacy finding for any subsequently submitted budgets.[166] Generally, we will consider a State's request to limit an approval of motor vehicle emissions budgets only if the request includes the following elements:

- An acknowledgement and explanation as to why the budgets under consideration have become outdated or deficient;
- A commitment to update the budgets as part of a comprehensive SIP update; and
- A request that the EPA limit the duration of its approval to the time when new budgets have been found to be adequate for transportation conformity purposes.[167]

CARB's request includes an explanation for why the budgets have become, or will become, outdated or deficient. In short, CARB has requested that we limit the duration of the approval of the budgets because CARB expects the next version of EMFAC to estimate higher emissions for certain onroad motor vehicle categories and certain areas of the State, necessitating updates to the budgets once the next version of EMFAC is submitted and approved by the EPA.

If the EPA approves the future EMFAC model, CARB explains that the budgets from the 2026 Extreme Ozone SIP Revision, for which we are proposing approval in this document, may become outdated and will need to be revised. In addition, CARB states that, without the ability to replace the budgets using the budget adequacy process, the benefits of using the updated data may not be realized for a year or more after the updated SIP (with the future budgets) is submitted, due to the length of the SIP approval process. We find that CARB's explanation for limiting the duration of the approval of the budgets is appropriate and provides us with a reasonable basis on which to limit the duration of the approval of the budgets.

We note that CARB has not committed to update the budgets as part of a comprehensive SIP update, but as a practical matter, CARB must submit a SIP revision that includes updated demonstrations as well as the updated budgets to meet the adequacy criteria in 40 CFR 93.118(e)(4); and thus, we do not need a specific commitment for such a plan at this time.[168] For the reasons provided herein, and in light of CARB's explanation for why the budgets will become outdated and should be replaced upon an adequacy finding for updated budgets, we propose to limit the duration of our approval of the budgets in the 2026 Extreme Ozone SIP Revision until new budgets have been found adequate.

H. Other Clean Air Act Requirements Applicable to Extreme Ozone Nonattainment Areas

In addition to the SIP requirements discussed in sections II.C through II.G of this document, the CAA includes certain other SIP requirements applicable to Extreme ozone nonattainment areas, such as the San Joaquin Valley. In this section, we identify these other requirements and evaluate the compliance by the State and District with respect to them for the San Joaquin Valley for the 2015 Ozone NAAQS.

1. Transportation Control Strategies and Measures To Offset Emissions Increases From Vehicle Miles Traveled

CAA section 182(d)(1)(A) requires, in relevant part, a State to submit, for each area classified as ''Severe'' or above, a SIP revision that ''identifies and adopts specific enforceable transportation control strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or number of vehicle trips in such area.'' [169] Herein, we use ''VMT'' to refer to vehicle miles traveled and refer to the related SIP requirement as the ''VMT emissions offset requirement.'' In addition, we refer to the SIP revision intended to demonstrate compliance with the VMT emissions offset requirement as the ''VMT emissions offset demonstration.'' The 2015 Ozone SRR extends the VMT emissions offset requirement to Severe or above areas for the 2015 ozone NAAQS at 40 CFR 51.1302.

On July 27, 2020, CARB submitted the VMT emissions offset demonstrations for certain nonattainment areas for the 2015 ozone NAAQS, including San Joaquin Valley. The SJV 2022 Ozone Plan cites the July 27, 2020 submission by CARB as the basis for compliance with the VMT emissions offset requirement. In 2023, the EPA took final action to approve the VMT emissions offset demonstration element in that submission for the San Joaquin Valley ozone nonattainment area, among other areas, as meeting the requirements of CAA section 182(d)(1)(A) and 40 CFR 51.1302 for the 2015 ozone NAAQS.[170]

2. Enhanced Vehicle Inspection and Maintenance Programs

CAA section 182(b)(4) requires States with ozone nonattainment areas classified under subpart 2 as Moderate to submit SIP revisions that provide for the implementation of a ''Basic'' vehicle inspection and maintenance (I/M) program in those areas. CAA section 182(c)(3) requires States with ozone nonattainment areas classified under subpart 2 as Serious or above to submit SIP revisions that provide for the implementation of an ''Enhanced'' I/M program in certain urbanized portions of those areas.[171] Because the San Joaquin Valley is Extreme for the 2015 ozone NAAQS, the State of California must implement an Enhanced I/M program in the urbanized portions of the San Joaquin Valley.

As a general matter, Basic and Enhanced I/M programs both achieve their objective by identifying vehicles that have high emissions as a result of one or more malfunctions and requiring them to be repaired. An Enhanced I/M program covers more of the vehicles in operation, employs inspection methods that are better at finding high emitting vehicles, and has additional features to better ensure that all vehicles are tested properly and effectively repaired. The EPA has established specific requirements for Basic and Enhanced I/M programs in 40 CFR part 51, subpart

[166] CARB's request to limit the duration of the approval of the budgets in the 2026 Extreme Ozone SIP Revision is contained in the transmittal letter dated September 23, 2026, from Steven Cliff, Executive Officer, CARB, to Michael Martucci, Acting Regional Administrator, EPA Region IX.

[167] 67 FR 69141 (Nov. 15, 2002), limiting our prior approval of budgets in certain California SIPs.

[168] Under 40 CFR 93.118(e)(4), the EPA will not find a budget in a submitted SIP to be adequate unless, among other criteria, the budgets, when considered together with all other emissions sources, are consistent with applicable requirements for RFP and attainment. 40 CFR 93.118(e)(4)(iv).

[169] CAA section 182(d)(1)(A) includes three separate elements. In short, under CAA section 182(d)(1)(A), States are required to adopt transportation control strategies and measures to offset growth in emissions from growth in VMT, and, as necessary, in combination with other emission reduction requirements, to demonstrate RFP and attainment. For more information on the EPA's interpretation of the three elements of CAA section 182(d)(1)(A), *see* 77 FR 58067, 58068 (Sep. 19, 2012) (proposed withdrawal of approval of South Coast VMT emissions offset demonstrations). In section II.H of this document, we address the first element of CAA section 182(d)(1)(A) (*i.e.,* the VMT emissions offset requirement). In sections II.E and II.F of this document, we propose to approve the attainment demonstrations and RFP demonstrations, respectively, for the 2015 ozone NAAQS in San Joaquin Valley. Compliance with the second and third elements of CAA section 182(d)(1)(A) is predicated on final approval of the attainment and RFP demonstrations.

[170] 88 FR 76139 (Nov. 6, 2023).

[171] The CAA I/M SIP requirements apply to Moderate and above nonattainment areas for the 2015 ozone NAAQS pursuant to 40 CFR 51.1302.

S. These requirements establish minimum performance standards for Basic and Enhanced I/M programs as well as requirements for certain elements of the programs, including, among other elements, test frequency, vehicle coverage, test procedures and standards, stations and inspectors, and data collection, analysis and reporting.[172]

On April 26, 2023, CARB submitted the Smog Check Certification SIP to the EPA to address I/M SIP requirements for certain nonattainment areas for the 2015 ozone NAAQS, including the San Joaquin Valley. In 2024, the EPA took final action to approve the Smog Check Certification SIP based on our finding that it meets the applicable SIP requirements under the under CAA section 182(c)(3) and 40 CFR 51.1302 for the applicable California nonattainment areas for the 2015 ozone NAAQS, including the San Joaquin Valley.[173]

3. New Source Review Rules

CAA section 182(a)(2)(C) requires States to submit SIP revisions containing permit programs for each of their ozone nonattainment areas. The SIP revisions are to include requirements for permits in accordance with CAA sections 172(c)(5) and 173 for the construction and operation of each new or modified major stationary source for VOC or NO_X anywhere in the nonattainment area.[174] The 2015 Ozone SRR includes provisions and guidance for nonattainment new source review (NSR) programs.[175]

In 2023, the EPA took final limited approval and limited disapproval action on the District's nonattainment NSR rule, Rule 2201 (''New and Modified Stationary Source Review Rule'').[176] In the 2023 final action, we determined that Rule 2201 generally satisfies the applicable CAA and regulatory requirements for sources subject to nonattainment NSR permit program requirements for Extreme ozone nonattainment areas. However, we also determined that Rule 2201 does not fully satisfy all these requirements and identified certain deficiencies that must be corrected. The District amended Rule 2201 and CARB submitted the amended rule to the EPA on October 13, 2023.

In January 2025, the EPA proposed a limited approval and limited disapproval of the amended nonattainment NSR rule based on the preliminary determination that the previously-identified deficiencies had been corrected but also that certain newly-identified deficiencies remain in the rule.[177] The newly-identified deficiencies in amended District Rule 2201 do not affect our proposed action on the SJV 70 ppb Ozone SIP. We will take final action on the amended District Rule 2201 in a separate rulemaking.

4. Clean Fuels for Fleets Program

CAA sections 182(c)(4)(A) and 246 require States to submit SIP revisions that establish a clean-fuel vehicle program for fleets (referred to herein as a Clean Fuels for Fleets Program (CFFP)) in certain of their ozone nonattainment areas classified as Serious and above. The Federal CFFP is specified in part C of title II of the CAA. CAA section 182(c)(4)(B) allows States to opt out of the Federal CFFP by submitting a SIP revision consisting of a program or programs that will result in at least equivalent long-term reductions in ozone precursors and toxic air emissions. The CFFP SIP requirement applies to the San Joaquin Valley as an ozone nonattainment area with a 1980 population of 250,000 or more and classified as Extreme for the 2015 ozone NAAQS.[178]

On February 3, 2022, CARB submitted the Clean Fuels for Fleets Certification, a multi-district certification (including the San Joaquin Valley) that California's Low Emission Vehicle program achieved emissions reductions at least equivalent to the reductions that would be achieved by the Federal CFFP and thereby complied with the CFFP SIP requirement for the 2015 ozone NAAQS. In 2023, the EPA approved the Clean Fuels for Fleets Certification as meeting the requirements of CAA sections 182(c)(4) and 246, and 40 CFR 51.1302, for the applicable nonattainment areas, including the San Joaquin Valley, for the 2015 ozone NAAQS.[179]

5. Gasoline Vapor Recovery

CAA section 182(b)(3) requires States to submit SIP revisions by November 15, 1992, that require owners or operators of gasoline dispensing systems to install and operate gasoline vehicle refueling vapor recovery (''Stage II'') systems in ozone nonattainment areas classified as Moderate and above. California's ozone nonattainment areas implemented Stage II vapor recovery well before the passage of the CAA Amendments of 1990.[180]

CAA section 202(a)(6) requires the EPA to promulgate standards requiring motor vehicles to be equipped with onboard refueling vapor recovery (ORVR) systems. The EPA promulgated the first set of ORVR system regulations in 1994 for phased implementation by vehicle manufacturers, and since the end of 2006, essentially all new gasoline-powered light and medium-duty vehicles are ORVR-equipped.[181] CAA section 202(a)(6) also authorizes the EPA to waive the SIP requirement under CAA section 182(b)(3) for installation of Stage II vapor recovery systems after such time as the EPA determines that ORVR systems are in widespread use throughout the motor vehicle fleet. Effective May 16, 2012, the EPA waived the requirement of CAA section 182(b)(3) for Stage II vapor recovery systems in ozone nonattainment areas regardless of classification.[182] Thus, a SIP submission meeting CAA section 182(b)(3) is not required for the 2015 ozone NAAQS.

6. Enhanced Ambient Air Monitoring

CAA section 182(c)(1) requires States to submit SIP revisions for all ozone nonattainment areas classified as Serious or above that contain measures to enhance and improve monitoring for ambient concentrations of ozone, NO_X, and VOC, and to improve monitoring of emissions of NO_X and VOC in those areas. The enhanced monitoring network for ozone is referred to as the photochemical assessment monitoring station (PAMS) network. The EPA promulgated final PAMS regulations on February 12, 1993.[183] The San Joaquin Valley is subject to the CAA PAMS network SIP requirement as an Extreme nonattainment area for the 2015 ozone NAAQS pursuant to 40 CFR 51.1302.

On November 10, 1993, CARB submitted to the EPA a SIP revision addressing the PAMS network for six ozone nonattainment areas, including San Joaquin Valley, to meet the

[172] 40 CFR part 51, subpart S, sections 350 through 373.

[173] 89 FR 70497 (Aug. 30, 2024).

[174] *See also* CAA section 182(e).

[175] 40 CFR 51.1314 and 83 FR 62998 (Dec. 6, 2018).

[176] 88 FR 43434 (July 10, 2023).

[177] 90 FR 6928 (Jan. 21, 2025). Our proposed action on amended Rule 2201 indicates that the term ''Emission Reduction Credit'' is used in Rule 2201 but not defined in the rule or in Rule 1020, ''Definitions.'' The EPA noted in the January 21, 2025 proposed rule that the term is defined in Rule 2301 (''Emission Reduction Credit Banking''), but Rule 2301 has not been submitted for SIP approval. Therefore, in our January 21, 2025 proposed rule, we found Rule 2201 deficient because it does not provide a definition for the term Emission Reduction Credit, and the term is a necessary component of an approvable nonattainment NSR program that allows for use of emissions reduction credits.

[178] *See* the definition of ''covered areas'' in CAA section 246(a)(2). The CFFP SIP requirement applies to the 2015 ozone NAAQS pursuant to 40 CFR 51.1302.

[179] 88 FR 33830 (May 25, 2023).

[180] General Preamble, 57 FR 13498, 13514 (Apr. 16, 1992).

[181] 77 FR 28772, 28774 (May 16, 2012).

[182] 40 CFR 51.126(b).

[183] 58 FR 8452 (Feb. 12, 1993).

enhanced monitoring requirements of CAA section 182(c)(1) and the PAMS regulations for the 1-hour ozone NAAQS. The EPA determined that the PAMS SIP revision met all applicable requirements for enhanced monitoring and approved the PAMS submission into the California SIP.[184]

Prior to 2006, the EPA's ambient air monitoring regulations in 40 CFR part 58 (''Ambient Air Quality Surveillance'') set forth specific SIP requirements (*see* former 40 CFR 52.20). In 2006, the EPA significantly revised and reorganized 40 CFR part 58.[185] Under revised 40 CFR part 58, SIP revisions are no longer required; rather, compliance with EPA monitoring regulations is established through review of required annual monitoring network plans.[186] The 2015 Ozone SRR made no changes to these requirements.[187]

The most recent annual monitoring plan for San Joaquin Valley that the EPA has reviewed is the District's ''2025 Air Monitoring Network Plan'' (2025 ANP).[188] The District's 2025 ANP describes the PAMS program that is operating in San Joaquin Valley.[189] The District currently operates a total of six PAMS sites configured as two networks, one for the Fresno Metropolitan Statistical Area and one for the Bakersfield Metropolitan Statistical Area.[190] The EPA approved the District's current PAMS network as part of our approval of the District's ANP.[191]

The SJV 2022 Ozone Plan relies on the District's then-most recent ANP as the submission that demonstrates that the District meets all Federal ambient monitoring requirements.[192] We agree that the San Joaquin Valley meets the CAA section 182(c)(1) enhanced ambient monitoring requirement for the 2015 ozone NAAQS based on the District's compliance with the EPA's monitoring regulations in 40 CFR part 58 for PAMS networks and, on that basis, we propose to approve the SJV 2022 Ozone Plan as meeting the enhanced monitoring requirements for the 2015 ozone NAAQS for the San Joaquin Valley under CAA section 182(c)(1) and 40 CFR 51.1302.

7. CAA Section 185 Fee Program

CAA sections 182(d)(3) and 185 require that the SIP for each Severe and Extreme ozone nonattainment area provide that, if the area fails to attain by its applicable attainment date, each major stationary source of VOC and NO_X located in the area shall pay a fee to the State as a penalty for such failure for each calendar year beginning after the attainment date, until the area is redesignated as an attainment area for ozone. These requirements apply to the San Joaquin Valley as an Extreme nonattainment area for the 2015 ozone NAAQS.

The District adopted, and CARB submitted, District Rule 3173 (''Federally Mandated Ozone Nonattainment Fee—2015 8-Hour Standard'') to satisfy the SIP requirements specified in CAA sections 182(d)(3) and 185 for the San Joaquin Valley for the 2015 Ozone NAAQS. We approved District Rule 3173 in July 2026.[193]

8. Emissions Statement

CAA section 182(a)(3)(B)(i) requires States to submit a SIP revision requiring owners or operators of stationary sources of VOC or NO_X to provide the State with statements of actual emissions from such sources. Statements must be submitted at least every year and must contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. CAA section 182(a)(3)(B)(ii) allows States to waive the emissions statement requirement for any class or category of stationary sources that emit less than 25 tpy of VOC or NO_X, if the State provides an inventory of emissions from such class or category of sources as part of the base year or periodic inventories required under CAA sections 182(a)(1) and 182(a)(3)(A), based on the use of emissions factors established by the EPA or other methods acceptable to the EPA.

The preamble of the 2015 Ozone SRR states that if an area has a previously approved emissions statement rule for a prior ozone NAAQS that covers all portions of the nonattainment area for the 2015 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2015 ozone NAAQS.[194] The State should review the existing rule to ensure it is adequate and, if so, may rely on it to meet the emissions statement requirement for the 2015 ozone NAAQS. Where an existing emissions statement requirement is still adequate to meet the requirements of these rules, States can provide the rationale for that determination to the EPA in a written statement certifying that determination in lieu of submitting new revised regulations. States should identify the various requirements and how each is met by the existing emissions statement program. Where an emissions statement requirement is modified for any reason, States must provide the revision to the emissions statement as part of its SIP.

In 2019, the EPA approved Rule 1160 (''Emission Statements'') as meeting the SIP requirements for emission statements for San Joaquin Valley with respect to the prior ozone NAAQS.[195] On August 3, 2020, CARB submitted the ''Emissions Statement Program Certification for the 2015 8-Hour Ozone'' for the San Joaquin Valley to the EPA as a SIP revision. In 2023, the EPA approved that SIP revision as meeting the emissions statement requirement under CAA section 182(a)(3)(B) for the San Joaquin Valley for the 2015 ozone NAAQS.[196]

9. Clean Fuels for Boilers

CAA section 182(e)(3) provides that SIPs for Extreme nonattainment areas require each new, modified, and existing electric utility and industrial and commercial boiler that emits more than 25 tpy of NO_X to either burn as its primary fuel natural gas methanol or ethanol (or a comparably low-polluting fuel) or use advanced control technology, such as catalytic control technologies or other comparably effective control methods.

On August 3, 2021, CARB submitted the ''Certification that the San Joaquin Valley Unified Air Pollution Control District's Current Rules Address the Clean Air Act's Clean Fuels for Boilers Requirements for the 2015 8-Hour Ozone Standard'' to the EPA as a SIP revision. We approved this certification in 2023.[197]

10. Contingency Measures for RFP and Attainment

Under CAA section 172(c)(9), States required to make an attainment plan SIP submission must include contingency

[184] 82 FR 45191 (Sep. 28, 2017).

[185] 71 FR 61236 (Oct. 17, 2006).

[186] 40 CFR 58.2(b) now provides that ''[t]he requirements pertaining to provisions for an air quality surveillance system in the SIP are contained in this part.''

[187] The 2015 ozone SRR addresses PAMS-related requirements at 83 FR 62998, 63008 (Dec. 6, 2018).

[188] SJVUAPCD, ''2025 Air Monitoring Network Plan,'' June 30, 2025, submitted for EPA review on June 30, 2025.

[189] 2025 ANP, pages 13 through 15.

[190] *Id.,* page 14.

[191] Letter dated December 5, 2025, from Dena Vallano, Manager, Monitoring and Analysis Section, Air and Radiation Division, EPA Region IX, to Jon Klassen, Director, Air Quality Science, SJVUAPCD, approving the 2025 ANP with certain exceptions unrelated to the PAMS requirements.

[192] SJV 2022 Ozone Plan, Table 1–2, page 1–9.

[193] 91 FR 47962 (July 30, 2026).

[194] 83 FR 62998, 63001 through 63002 (Dec. 6, 2018).

[195] 84 FR 3302 (Feb. 12, 2019).

[196] 87 FR 45657 (July 29, 2022).

[197] 88 FR 29539 (May 8, 2023).

measures to be implemented if the area fails to meet RFP or to attain the NAAQS by the applicable attainment date. For ozone nonattainment areas classified Serious or above, CAA section 182(c)(9) further specifies that States must include contingency measures to be implemented if the area fails to meet any applicable milestone.

On April 29, 2024, CARB submitted the ''Ozone Contingency Measure State Implementation Plan Revision for the 2008 and 2015 8-Hour Ozone Standards'' (''2024 SJV Ozone Contingency Measures Plan'') as a revision to the California SIP. The 2024 SJV Ozone Contingency Measures Plan replaces the contingency measure element of the SJV 2022 Ozone Plan.[198] The EPA will act on the 2024 SJV Ozone Contingency Measures Plan in a separate rulemaking.

III. EPA Review of CARB's Consumer Products Regulations

A. Background

Emissions of VOCs from consumer products contribute to the production of ground-level ozone and particulate matter, which harm human health and the environment. CARB has a long-standing program to reduce VOCs from consumer products, and the EPA has approved at various times the regulations and amendments as revisions to the California SIP.[199]

CARB's initial staff report states ''For more than thirty years, the Board has taken actions pertaining to the regulation of consumer products. Three regulations [Antiperspirants and Deodorants, Consumer Products, and Aerosol Coatings] have set VOC limits for 129 consumer product categories. These three regulations have reduced VOC emissions by about 50 percent between 1990 and 2020 relative to uncontrolled levels.'' [200]

The requirements in CARB's Consumer Products Regulations apply statewide. CARB predicts that the most recent set of amendments will further reduce statewide VOC emissions by about 8 to 10 tpd by 2031.

B. Summary of the State's Submissions for the Consumer Products Regulations

1. What did California submit?

On April 25, 2023, CARB submitted the following Consumer Products Regulations and Method 310: Title 17 of the California Code of Regulations (CCR), Division 3 (''Air Resources''), Chapter 1 (''Air Resources Board''), Subchapter 8.5 (''Consumer Products''), Article 1 (''Antiperspirants and Deodorants,'' ''Article 1''); 17 CCR, Division 3, Chapter 1, Subchapter 8.5, Article 2 (''Consumer Products,'' ''Article 2''), 17 CCR, Division 3, Chapter 1, Subchapter 8.5, Article 3 (''Aerosol Coating Products,'' ''Article 3''); 17 CCR, Division 3, Chapter 1, Subchapter 8.6 (''Maximum Incremental Reactivity''), Article 1 (''Tables of Maximum Incremental Reactivity (MIR) Values,'' ''MIR Compound Tables'') and CARB'S Method 310 (''Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products,'' ''CARB's Method 310''). Table 10 lists the consumer products regulations and Method 310 with the dates that they were amended and submitted by CARB to the EPA.

TABLE 10—SUBMITTED CARB CONSUMER PRODUCTS REGULATIONS

Agency	California code of regulations	Title	Amended	Submitted
CARB	Title 17, Division 3, Chapter 1, Subchapter 8.5, Consumer Products.	Article 1—Antiperspirants and Deodorants [a]	3/25/2021	04/25/2023.
CARB	Title 17, Division 3, Chapter 1, Subchapter 8.5, Consumer Products.	Article 2—Consumer Products [b]	03/25/2021	04/25/2023; 06/25/2024 (for section 94512 only).
CARB	Title 17, Division 3, Chapter 1, Subchapter 8.5, Consumer Products.	Article 3—Aerosol Coating Products [c]	03/25/2021	04/25/2023.
CARB	Title 17, Division 3, Chapter 1, Subchapter 8.6, Maximum Incremental Reactivity.	Article 1—Table of Maximum Incremental Reactivity (MIR) Values [d].	03/25/2021	04/25/2023.
CARB	Method 310	Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products [e].	08/01/2022	04/25/2023.

[a] Amendments to Article 1 of subchapter 8.5 affect sections 94501, 94502, and 94506. CARB adopted these amendments on March 25, 2021, and the California Office of Administrative Law (OAL) approved the amendments on August 1, 2022. CARB submitted the March 25, 2021 amendments to the EPA as a SIP revision by letter dated April 25, 2023.

[b] Amendments to Article 2 of subchapter 8.5 affect sections 94508, 94509, 94510, 94511, 94512, 94513, and 94515. CARB adopted these amendments on March 25, 2021, and the California OAL approved the amendments on August 1, 2022. CARB submitted the March 25, 2021 amendments to the EPA as a SIP revision by letter dated April 25, 2023, except for section 94512, which CARB submitted on June 25, 2024.

[c] Amendments to Article 3 of subchapter 8.5 affect sections 94521, 94522, 94524, and 94526. CARB adopted these amendments on March 25, 2021, and the California OAL approved the amendments on August 1, 2022. CARB submitted the March 25, 2021 amendments to the EPA as a SIP revision by letter dated April 25, 2023.

[d] Amendment to the MIR Compound Tables affect section 94700. Amendments to the MIR Compound Tables were adopted by CARB on March 25, 2021, and the California OAL approved the amendments on August 1, 2022. CARB submitted the March 25, 2021 amendments to the EPA as a SIP revision by letter dated April 25, 2023.

[e] Amendments to Method 310 were adopted by CARB on August 1, 2022, and the California OAL approved the amendments on August 1, 2022. CARB submitted the August 1, 2022 amendments to the EPA as a SIP revision by letter dated April 25, 2023.

[198] *See* 2024 SJV Ozone Contingency Measures Plan, page 5.

[199] Since 2010, the EPA has taken four final actions to approve CARB consumer products regulations and amendments: 77 FR 7535 (Feb. 13, 2012), 79 FR 62346 (Oct. 17, 2014), 85 FR 57703 (Sep. 16, 2020), and 86 FR 10016 (Feb. 18, 2021).

[200] CARB, Initial Statement of Reasons, ''Public Hearing to Consider the Proposed Amendments to the Antiperspirants and Deodorants Regulation; Consumer Products Regulation; Aerosol Coating Products Regulation; Alternative Control Plan Regulation; the Tables of Maximum Incremental Reactivity Values; and Test Method 310,'' March 25, 2021, page ES–2.

CARB submitted the Consumer Products Regulations and Method 310 on April 25, 2023, and the submission was deemed complete by operation of law on October 25, 2023. CARB submitted a supplemental submission for the Consumer Products Regulations on June 25, 2024, and the submission was deemed complete by operation of law on December 25, 2024. We have reviewed both submissions to ensure they meet the completeness criteria in 40 CFR part 51, appendix V.

CARB amended its Consumer Products Regulations in 2021, and Method 310 in 2022, to (1) further reduce VOC emissions to aid in the attainment of the ozone NAAQS, and (2) to correct minor administrative errors and perform non-substantive modifications to the regulations (''CARB's Consumer Products amendments''). CARB's amendments to the Consumer Products Regulations and Method 310 are also intended to fulfill a commitment made by CARB as part of the 2016 State SIP Strategy to reduce VOC emissions from consumer products.[201]

The amended sections in Article 1 and CARB's Method 310 were composed of administrative revisions such as replacing ''ARB'' with ''CARB'' and renumbering sections due to the administrative revisions.

The revisions to Article 2 were more substantive. For example, CARB both revised and added definitions to the regulations, revised the ''Table of Standards'' to be consistent with the new and revised definitions, and amended to sunset the Two Percent Fragrance Exemption by year 2031 to ensure about 3.0 tpd of VOC emissions reductions statewide. The Two Percent Fragrance Exemption was revised to limit the following categories to a 0.25 percent exemption: ''General Purpose Cleaner,'' ''General Purpose Degreaser,'' ''Air Freshener,'' ''Disinfectant,'' and ''Sanitizer.'' CARB also added a calculation for VOC emissions definitions for representative consumer products; revised the requirements to apply for an innovative product exemption (IPE) for Innovative Compressed Gas Propellant Product, or an Innovative Liquefied Propellant Product which allow for manufacturer flexibility; added records requirements for energized electrical cleaner product sales; added special reporting requirements for Personal Fragrance products with less than or equal to 10 percent by weight of combined fragrance ingredients; and made revisions to the test methods section to reflect the revisions in CARB's Method 310.

The revisions to Article 3 included the removal of the aerosol coatings exemption from the Alternative Control Plan [202] and the addition of test methods for the determination of the metal content, specular gloss, and acid content of aerosol coating products. The MIR Compound Tables were revised to add the following reactive organic compounds: ''Diethyl Carbonate,'' ''1-Chloro-3,3,3-trifluoropropene; HFO–1233zd,'' and ''Alkane Mixed—Minimally 90% C13 and higher carbon number'' to provide manufacturers the flexibility to create low MIR value products.

We present more information about these regulations in a set of TSDs that we refer to collectively as the ''EPA TSDs on CARB's Consumer Products Regulations.'' [203]

2. Are there other related submissions or actions?

The EPA approved an earlier version of CARB's Consumer Products Regulations into the SIP as follows: Article 1, Article 2, Article 3, MIR Compound Tables, at 85 FR 57703 (Sep. 16, 2020) and CARB'S Method 310 at 86 FR 10016 (Feb. 18, 2021). As noted in Table 10 of this document, CARB adopted revisions to the SIP-approved version on March 25, 2021, and August 1, 2022, and submitted the revisions to the EPA on April 25, 2023.

In its submittal letter, CARB requested that, upon approval of the revised versions of Article 1, Article 2, Article 3, Method 310, and the MIR Compound Tables, the EPA remove the old versions of these regulations from the SIP. In a supplemental submission on June 25, 2024, CARB submitted consumer products Article 2, section 94512 along with additional public process documentation. In this document, we are proposing to approve both the April 25, 2023 submission and the June 25, 2024 supplemental submission. If we finalize this proposed rulemaking, the March 25, 2021 version of Article 1, Article 2, Article 3, and the MIR Compound Tables, as well as the August 1, 2022 version of CARB's Method 310, will replace the previously approved versions of these regulations and test method in the California SIP.

C. The EPA's Review of the State's Submission

1. How is the EPA evaluating the submission?

Emission limitations in the SIP must be enforceable and must not interfere with applicable requirements concerning attainment and RFP or other CAA requirements.[204] Additionally, 40 CFR part 51, subpart K (''Source Surveillance'') requires SIPs to have enforceable procedures for monitoring the status of compliance with the requirements in the control strategy.

California's Consumer Products Regulations cover VOC area sources. In 1998, the EPA promulgated a national rule to regulate VOC emissions from consumer products [205] and, in 2008, the EPA promulgated a national rule to regulate the ozone forming potential of aerosol coating products.[206] We are comparing the 2021 amendments to CARB's Consumer Products Regulations and the 2022 amendments to Method 310 to the existing SIP requirements and the EPA's national rule to ensure the amendments would not interfere with attainment and RFP or other CAA requirement and to ensure that the State regulations are at least as stringent as the national rule.

Our evaluation also relies on relevant guidance and policy documents to evaluate enforceability, revision/relaxation, and rule stringency requirements.[207]

[201] CARB, Resolution 21–7, March 25, 2021, pages 2 and 5.

[202] Letter dated October 12, 2023, from Michael Benjamin, Chief, Air Quality Planning and Science Division, CARB, to Martha Guzman, Regional Administrator, EPA Region IX. CARB has requested that Article 4 be withdrawn from consideration of inclusion to the SIP. The provisions in Article 4 do not achieve any criteria pollutant benefits as these provisions provide non-SIP approved flexibility for manufacturers to meet VOC standards. Therefore, Article 4 has been withdrawn from consideration for inclusion into the SIP.

[203] TSD for EPA's Rulemaking for the California State Implementation Plan, California Air Resources Board—Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 1, Antiperspirants and Deodorants and Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products; TSD for EPA's Rulemaking for the California State Implementation Plan, California Air Resources Board—Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 2, Consumer Products; TSD for EPA's Rulemaking for the California State Implementation Plan, California Air Resources Board—Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 3, Aerosol Coating Products; and TSD for EPA's Rulemaking for the California State Implementation Plan, California Air Resources Board—Title 17, Division 3, Chapter 1, Subchapter 8.6, Article 1, Tables of Maximum Incremental Reactivity (MIR) Values.

[204] *See,* CAA sections 110(a)(2) and 110(l), respectively.

[205] 63 FR 48831 (Sep. 11, 1998); and 40 CFR part 59, subpart C, ''National Volatile Organic Compound Emission Standards for Consumer Products.''

[206] 73 FR 15621 (Mar. 24, 2008); and 40 CFR part 59, subpart E, ''National Volatile Organic Compound Emission Standards for Aerosol Coatings.''

[207] ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA OAQPS, May 25, 1988 (the Bluebook, revised January 11, 1990);

2. Does the submission meet the evaluation criteria?

First, we note that CARB has been enforcing the Consumer Products Regulations for decades, and CARB's Consumer Products amendments do not undermine the enforceability of the regulations. Second, CARB's Consumer Products amendments strengthen the SIP and are consistent with the commitment made by CARB in the 2016 State SIP Strategy to reduce VOC emissions from consumer products and thereby contribute to the attainment of the ozone NAAQS in California ozone nonattainment areas. As such, we find that CARB's Consumer Products amendments would not interfere with attainment and RFP or any other requirement of the CAA for the purposes of CAA section 110(l).

Third, when the EPA developed its national consumer products rules in 40 CFR part 59, subpart C (''National Volatile Organic Compound Emission Standards for Consumer Products'') and 40 CFR part 59, subpart E (''National Volatile Organic Compound Emission Standards for Aerosol Coatings''), we reviewed existing consumer products and aerosol coating regulations from States, including those from California.[208] Since the EPA promulgated its national rules, California has periodically amended its consumer products and aerosol coating rules to add new product categories, combined similar product categories, generally reduced the VOC content limits for consumer products or product-weighted MIR limits for aerosol coatings, and made other amendments to improve implementation and enforcement of its rules. CARB also updated its MIR Compound Tables by including three new low-MIR value categories to provide manufacturers with the flexibility to create low-MIR value products.

The EPA compared CARB's amended regulations to EPA regulations and found that, on the whole, CARB's regulations are generally the same as or more stringent than the national regulations. The EPA has proposed amendments to the National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments [209] to mirror the requirements in Article 3. The EPA notes that, although its national consumer products and aerosol coatings regulations and CARB's regulations are similar, they are not identical. Products will need to comply with the regulations in effect from each agency, and compliance with CARB's rules does not necessarily mean that the product complies with the EPA's national rules. This proposed rulemaking is limited to an evaluation of CARB's amended rules for compliance with the requirements under the CAA and the EPA's regulations for SIP revisions and does not opine on whether a product that meets CARB's rules can also satisfy requirements in the national consumer product rules.

In sum, this proposed action is consistent with EPA regulations, policy, and guidance. The EPA has promulgated a national consumer products regulation and a national aerosol coatings regulation (40 CFR part 59, subparts C and E). There are similarities and differences between the California regulations and the national regulations. The national consumer products and aerosol coatings regulations do not preclude States from adopting more stringent regulations.[210] In this instance, CARB's Consumer Products Regulations (Article 2) as a whole are both broader and the same as or more stringent than the Federal regulations. With respect to CARB's Consumer Products amendments to Aerosol Coating Products Regulation (Article 3), we propose to find that CARB's Consumer Products amendments contain limits that achieve lower ozone-forming potential relative to the reactivity-based limits for aerosol coating products in the EPA's national aerosol coatings rule. As noted herein, CARB estimates that the current amendments will result in statewide VOC emission reductions of about 8 to 10 tpd by 2031.

We propose to find that these regulations meet CAA requirements and are consistent with relevant guidance regarding enforceability and SIP revisions. The EPA Consumer Products Regulations TSDs have more information on our evaluation and include the EPA's recommendations for the next time CARB amends the regulations.

IV. Proposed Action and Public Comment

For the reasons discussed in this document, under CAA section 110(k)(3), the EPA proposes to approve the SJV 70 ppb Ozone SIP, which comprises the SJV 2022 Ozone Plan, portions of the 2022 State SIP Strategy, and the 2026 Extreme Ozone SIP Revision and related submission materials as they pertain to the San Joaquin Valley. More specifically, we propose to approve the SJV 70 ppb Ozone SIP as meeting the procedural requirements for SIPs and SIP revisions and the following SIP requirements for the 2015 ozone NAAQS:

- Base year emissions inventory as continuing to meet the requirements of CAA sections 172(c)(3) and 182(a)(1) and 40 CFR 51.1315;
- RACM demonstration element as meeting the requirements of CAA section 172(c)(1) and 40 CFR 51.1312(c);
- Attainment demonstration element as meeting the requirements of CAA sections 172(c)(6), 182(c)(2)(A), and 182(e)(5) and 40 CFR 51.1308; CARB's related commitments to achieve aggregate emission reductions of 38.1 tpd NO_X and 13.6 tpd VOC in the San Joaquin Valley by 2037 (through CARB Resolution 26–5 and CARB Executive Order S–26–006), including 32.4 tpd of NO_X and 12.9 tpd of VOC to be achieved through the development of new control techniques or improvement of existing control technologies under CAA section 182(e)(5); and four control measure commitments by the State identified in Table 5 of this document (as adopted the 2022 State SIP Strategy through CARB Resolution 22–14 and revised by the 2026 Extreme Ozone SIP Revision through CARB Resolution 26–5 and CARB Executive Order S–26–006);
- CARB's commitment to submit, by 2034, contingency measures to be implemented for any emission reduction shortfall relative to its aggregate emission reduction commitments for developing new control techniques or improvement of existing control technologies as meeting the contingency measure requirement in CAA section 182(e)(5);
- ROP demonstration element as meeting the requirements of CAA section 182(b)(1) and 40 CFR 51.1310(a)(2);

''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook); ''National Volatile Organic Compound Emission Standards for Consumer and Commercial Products,'' 40 CFR part 59; particularly, subpart C (''National Volatile Organic Compound Emission Standards for Consumer Products''), and subpart E (''National Volatile Organic Compound Emission Standards for Aerosol Coatings''); and ''Model Rule for Consumer Products,'' Ozone Transport Commission, September 19, 2006.

[208] ''National Volatile Organic Compound Emission Standards for Consumer Products,'' 61 FR 14531 (Apr. 2, 1996) (proposed rule), and ''National Volatile Organic Compound Emission Standards for Aerosol Coatings,'' 60 FR 15264 (Mar. 23, 1995) (proposed rule).

[209] On September 17, 2021, the EPA proposed to amend the National Volatile Organic Compound Emission Standards for Aerosol Coatings Amendments. 86 FR 51851 (Sep. 17, 2021). The EPA proposed to update coating category product-weighted reactivity limits for aerosol coatings categories; add new compounds and reactivity factors; update existing reactivity values; revise the default reactivity factors; amend the regulated thresholds for compounds; and add electronic reporting provisions.

[210] 40 CFR 59.211 and 40 CFR 59.513.

• RFP demonstration element as meeting the requirements of CAA sections 172(c)(2), 182(b)(1), and 182(c)(2)(B) and 40 CFR 51.1310(a)(2)(ii);

• Motor vehicle emissions budgets for the 2026, 2029, 2032, and 2035 RFP milestone years and the 2037 attainment year (*see* Table 9 of this document) because they are consistent with the RFP and attainment demonstrations for the 2015 ozone NAAQS proposed for approval herein and meet the other adequacy criteria in 40 CFR 93.118(e)(4) and (5); and

• Enhanced monitoring element as meeting the requirements of CAA section 182(c)(1) and 40 CFR 51.1302.

With respect to the motor vehicle emissions budgets, we propose to limit the duration of the approval of the budgets to last only until the effective date of the EPA's adequacy finding for any subsequently submitted budgets. We are doing so at CARB's request consistent with 40 CFR 93.118(e)(1). The EPA is also initiating the adequacy process for the budgets included in this SIP submission.

For the reasons discussed in this document, and as authorized in CAA section 110(k)(3), the EPA also proposes to approve the 2021 through 2022 amendments to CARB's Consumer Products Regulations and CARB's Method 310, applicable statewide, because they fulfill all relevant requirements.

The EPA is soliciting public comments on the issues discussed in this document. We will accept comments from the public on this proposal and on the adequacy of these budgets for the next 30 days and will consider relevant comments before taking final action.

V. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference amendments to California Air Resources Board, Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Article 1—Antiperspirants and Deodorants, Article 2—Consumer Products, and Article 3—Aerosol Coating Products; Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.6, Article 1—Tables of Maximum Incremental Reactivity (MIR) Values; and CARB's Method 310, amended on August 1, 2022, which regulate VOC emissions from antiperspirants, deodorants, consumer products, and aerosol coating products. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this proposed action is not significant under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a State program;

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 30, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–22588 Filed 11–4–26; 8:45 am]

BILLING CODE 6569–60–P



FEDERAL REGISTER

Vol. 91 Thursday,
No. 213 November 5, 2026

Part III

The President

Notice of November 3, 2026—Continuation of the National Emergency With Respect to Iran
Notice of November 3, 2026—Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction
Notice of November 3, 2026—Continuation of the National Emergency With Respect to the Situation in Nicaragua
Notice of November 3, 2026—Continuation of the National Emergency With Respect to the Threat From Securities Investments That Finance Certain Companies of the People's Republic of China

Federal Register
Vol. 91, No. 213
Thursday, November 5, 2026

Presidential Documents

Title 3—

The President

Notice of November 3, 2026

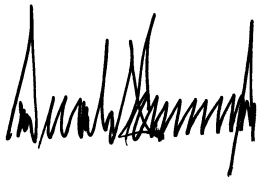
Continuation of the National Emergency With Respect to Iran

On November 14, 1979, by Executive Order 12170, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and took related steps to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran.

Our relations with Iran have not yet normalized, and the process of implementing the agreements with Iran, dated January 19, 1981, is ongoing. For this reason, the national emergency declared on November 14, 1979, and the measures adopted on that date to deal with that emergency, must continue in effect beyond November 14, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran declared in Executive Order 12170.

The emergency declared by Executive Order 12170 is distinct from the emergency declared in Executive Order 12957 on March 15, 1995. This renewal, therefore, is distinct from the emergency renewal of March 2, 2026.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 3, 2026.

[FR Doc. 2026–22685
Filed 11–4–26; 11:15 am]
Billing code 3395–F4–P

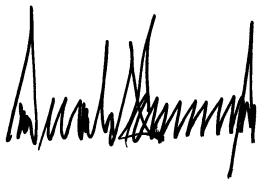
Presidential Documents

Notice of November 3, 2026

Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, by Executive Order 13094, the President amended Executive Order 12938 to respond more effectively to the worldwide threat of proliferation activities related to weapons of mass destruction. On June 28, 2005, by Executive Order 13382, the President, among other things, further amended Executive Order 12938 to improve our ability to combat proliferation activities related to weapons of mass destruction. The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction and the means of delivering such weapons must continue beyond November 14, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 3, 2026.

[FR Doc. 2026–22686
Filed 11–4–26; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

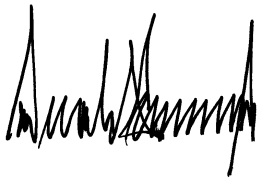
Notice of November 3, 2026

Continuation of the National Emergency With Respect to the Situation in Nicaragua

On November 27, 2018, by Executive Order 13851, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in Nicaragua. On October 24, 2022, the President issued Executive Order 14088 to take additional steps with respect to the national emergency declared in Executive Order 13851.

The situation in Nicaragua, including the violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega-Murillo regime's continued systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civilians, as well as its corruption leading to the destabilization of Nicaragua's economy, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on November 27, 2018, must continue in effect beyond November 27, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13851 with respect to the situation in Nicaragua.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,

November 3, 2026.

[FR Doc. 2026–22687

Filed 11–4–26; 11:15 am]

Billing code 3395–F4–P

Presidential Documents

Notice of November 3, 2026

Continuation of the National Emergency With Respect to the Threat From Securities Investments That Finance Certain Companies of the People's Republic of China

On November 12, 2020, by Executive Order 13959, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the threat from securities investments that finance certain companies of the People's Republic of China (PRC).

The President found that the PRC is increasingly exploiting United States capital to resource and enable the development and modernization of its military, intelligence, and other security apparatuses, which continues to allow the PRC to directly threaten the United States homeland and United States forces overseas. Through the national strategy of Military-Civil Fusion, the PRC increases the size of the country's military-industrial complex by compelling civilian Chinese companies to support its military and intelligence activities. Those companies, though remaining ostensibly private and civilian, directly support the PRC's military, intelligence, and security apparatuses and aid in their development and modernization. At the same time, those companies raise capital by selling securities to United States investors that trade on public exchanges both here and abroad, lobbying United States index providers and funds to include these securities in market offerings, and engaging in other acts to ensure access to United States capital.

The President further found that the PRC's military-industrial complex, by directly supporting the efforts of the PRC's military, intelligence, and other security apparatuses, constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

On January 13, 2021, the President signed Executive Order 13974 amending Executive Order 13959.

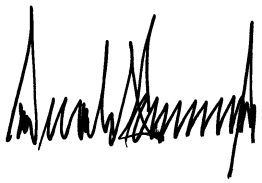
On June 3, 2021, the President signed Executive Order 14032, which expanded the scope of the national emergency declared in Executive Order 13959. The President found that additional steps were necessary to address that national emergency, including the threat posed by the military-industrial complex of the PRC and its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under the PRC's Military-Civil Fusion strategy. In addition, the President found that the use of Chinese surveillance technology outside the PRC and the development or use of Chinese surveillance technology to facilitate repression or serious human rights abuse constituted unusual and extraordinary threats to the national security, foreign policy, and economy of the United States. Executive Order 14032 amended Executive Order 13959 and revoked Executive Order 13974 in its entirety.

The threat from securities investments that finance certain companies of the PRC and certain uses and development of Chinese surveillance technology continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

For this reason, the national emergency declared in Executive Order 13959 of November 12, 2020, expanded in scope by Executive Order 14032 of

June 3, 2021, must continue in effect beyond November 12, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13959 with respect to the threat from securities investments that finance certain companies of the PRC and expanded in Executive Order 14032.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
November 3, 2026.

[FR Doc. 2026–22688
Filed 11–4–26; 11:15 am]
Billing code 3395–F4–P

Reader Aids

Federal Register

Vol. 91, No. 213

Thursday, November 5, 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**

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

68873–69204 2
69205–69490 3
69491–69684 4
69685–69954 5

CFR PARTS AFFECTED DURING NOVEMBER

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:
11077.....69197

Administrative Orders:
Memorandums:
Memorandum of October 28, 2026.....69203
Notices:
Notice of November 3, 2026.....69947
Notice of November 3, 2026.....69949
Notice of November 3, 2026.....69951
Notice of November 3, 2026.....69953

10 CFR

2.....69446
51.....69446
52.....69446
53.....69446
54.....69446
72.....69205

Proposed Rules:
30.....68893
40.....68893
50.....68893
70.....68893
72.....68893

11 CFR

111.....69206

12 CFR

701.....69491
702.....69493
723.....69493, 69495

Proposed Rules:
314.....69642
360.....69642
370.....69642

14 CFR

39.....68873, 68877, 68879, 68882
71.....69498, 69685

Proposed Rules:
39.....69225, 69227, 69230, 69233, 69506, 69730, 69732
71.....69509
158.....69511

15 CFR

2.....69499
4.....69499
15.....69499

16 CFR

Proposed Rules:
1.....69735

21 CFR

864.....69687
882.....69690
888.....69692
1301.....68885, 69500

Proposed Rules:
107.....69040
184.....69040

26 CFR

Proposed Rules:
1.....69522

29 CFR

2550.....69092

33 CFR

100.....69501
165.....69503

Proposed Rules:
165.....69736

34 CFR

Proposed Rules:
75.....69736

36 CFR

251.....68887

37 CFR

Proposed Rules:
201.....68894

39 CFR

20.....69504
111.....69505

40 CFR

52.....69694
62.....69701
63.....69206
721.....69704

Proposed Rules:
52.....69753, 69910
62.....69761, 69763
721.....68894

42 CFR

486.....69390

45 CFR

84.....69207
1630.....69720
1631.....69720

Proposed Rules:
1631.....69766

46 CFR

Proposed Rules:
248.....69768

47 CFR

25.....69725

51.....68890
63.....68890
64.....69726
73.....69223
74.....69223

Proposed Rules:
15.....68912

49 CFR

Proposed Rules:
191.....69314
193.....69314

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 27, 2026

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